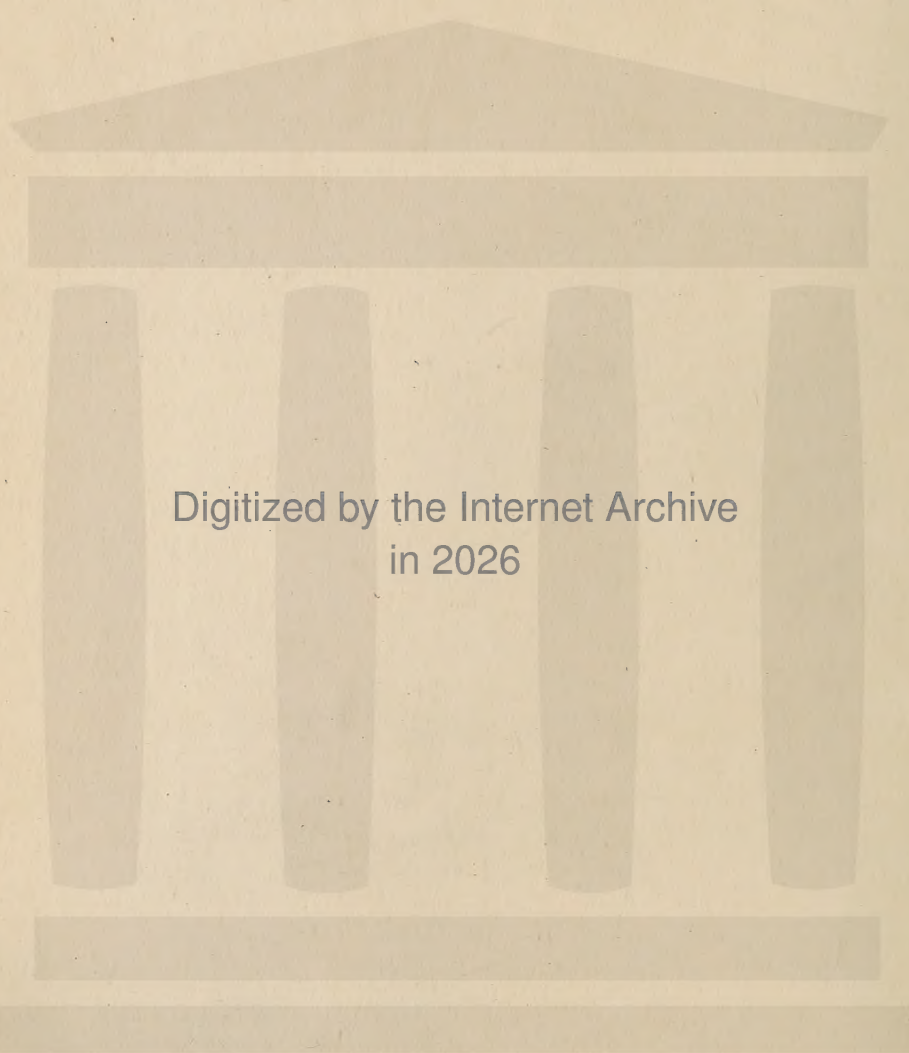






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ACCOUNTS AND PAPERS:

THIRTY-NINE VOLUMES.

— (12.) —

COLONIES AND BRITISH POSSESSIONS.

HONG KONG; NEW ZEALAND; VICTORIA;
WEST INDIES.

Session

1 *February* — 10 *August* 1866.

VOL. L.

18 66.



ACCOUNTS AND PAPERS:

1866.

TWENTY-NINE VOLUMES:—CONTENTS OF THE

TWELFTH VOLUME.

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dated 8 February 1866;—for,

“COPY or EXTRACTS of all CORRESPONDENCE in the Colonial Office
respecting the Rendition by the Acting Governor of *Hong Kong*,
Mr. *Mercer*, to the Chinese Authorities at *Canton*, of a Person described
in the Public Journals as the *Mo-Wong*, and his Execution.”

Colonial Office, }
19 March 1866. }

W. E. FORSTER.

(*Colonel Sykes.*)

Ordered, by The House of Commons, to be Printed,
20 March 1866.

SCHEDULE.

No. in Series.	From whom.	Number and Date.	Subject.	Page.
1	The Right Honourable Edward Cardwell, M.P., to the Officer Administering the Government of Hong Kong.	10 August 1865 (No. 140.)	Transmits letter from Colonel Sykes, M.P., containing an extract from the "Overland Trade Report," in which it is alleged that, without legal sanction, a Taeping refugee, charged with piracy, had been delivered by the authorities at Hong Kong to the Consul at Canton, and by him to the Chinese authorities, by whom he was barbarously put to death. Requests to be furnished with an explanation of this statement.	3
2	The Officer Administering the Government to the Right Honourable Edward Cardwell, M.P.	20 Sept. 1865 (No. 138.)	In reply to the above; and enclosing documents giving full and minute details of the case.	5
3	The Right Honourable Edward Cardwell, M.P., to Governor Sir R. G. MacDonnell, C.B.	31 January 1866 (No. 17.)	Acknowledges Mr. Mercer's Despatch, No. 138. States that Mr. Cardwell has much pleasure in informing him that no blame attaches to Mr. Mercer in this matter whilst he was administering the government of Hong Kong.	15
4	The Right Honourable Edward Cardwell, M.P., to Governor Sir R. G. MacDonnell, C.B.	31 January 1866 (No. 18.)	In reply to the request contained in Mr. Mercer's Despatch, No. 138, that, as a similar letter to that of Colonel Sykes had been published in the London "Daily News," equal publicity may be given to his Despatch. States that as Colonel Sykes intimated his intention of calling the attention of Parliament to the subject, there would not be any necessity for taking the course proposed by Mr. Mercer.	15

COPY or EXTRACTS of all CORRESPONDENCE in the Colonial Office respecting the Rendition by the Acting Governor of *Hong Kong*, Mr. *Mercer*, to the Chinese Authorities at *Canton*, of a Person described in the Public Journals as the *Mo-Wong*, and his Execution.

— No. 1. —

(No. 140.)

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M.P., to the Officer Administering the Government of Hong Kong.

Sir,

Downing-street, 10 August 1865.

I TRANSMIT to you the enclosed copy of a letter from Colonel Sykes, M.P., containing an extract from the "Overland Trade Report," published at Hong Kong on the 30th of May last, in which it is alleged that without legal sanction, and even without the precautions prescribed by the Tientsin Treaty, a Taeping refugee, charged with piracy, has been delivered by the authorities at Hong Kong to the consul at Canton, and by him to the Chinese authorities, by whom he was barbarously put to death.

I have to request that you will furnish me with an explanation of this statement; and if this man was delivered up by you to the consul, I should wish to know the legal authority under which he was so delivered.

In my Despatch, No. 56, of the 10th of April last, the humane administration of justice by the Chinese authorities was laid down as an indispensable condition of handing over captured pirates to the Chinese Government for trial and punishment; and you will accordingly not give up such offenders, if it is true that the alleged cruelty occurred in the case of this Taeping, until you receive further instructions.

I have, &c.
(signed) *Edward Cardwell*.

Enclosure in No. 1.

Enclosure in No. 1.

Sir,

Foreign Office, 29 July 1865.

I AM directed by Earl Russell to transmit to you, to be laid before Mr. Secretary Cardwell, the accompanying copy of a letter from Colonel Sykes, respecting the alleged barbarous execution of a Taeping chief at Canton, who had been handed over to the Chinese authorities by the Colonial Government at Hong Kong.

25 July 1865.

The Under Secretary of State,
Colonial Office.

I am, &c.
(signed) *A. H. Layard*.

My Lord,

47, Albion-street, Hyde Park, 25 July 1865.

WHETHER as a Member of the British Legislature, or as an English gentleman and a Christian, I must ask your Lordship's attention to, and, I trust, serious condemnation of, the parties to whose culpable interference is to be attributed the horrible results detailed in the following statement published at Hong Kong in the "Overland Trade Reports," dated the 30th May 1865, and which has also been brought to the notice of the British public in a letter in the London "Standard," dated the 22d of July 1865.

It would appear that one of the Taeping chiefs or princes, Mo-Wong, sought refuge under

under the British flag at Hong Kong. The mandarins at Canton, resolving to get possession of his person, trumped up a story of Mo-Wong being a pirate, and demanded, through the consul at Canton, that he should be given up to them. The consul must have been well aware of the phraseology of the article of the Treaty of Tientsin respecting rendition of alleged criminals, which is as follows:—"Article XXI. If criminals, subjects of China, shall take refuge in Hong Kong, or on board the British ships there, they shall, upon due requisition by the Chinese authorities, be searched for, and, on proof of their guilt, be delivered up." In the first place, Mo-Wong, being a political refugee, did not, according to the usual relations between European States, fall within the category of the 21st Article at all; but construing the article to apply to Mo-Wong's case, the British consul and the authorities at Hong Kong were prohibited from delivering Mo-Wong to the Canton mandarins until after they had proved his guilt. No attempt was, however, made to fulfil the conditions of the 21st Article of the Treaty of Tientsin; the Chinese authorities made their requisition to the consul of Canton for the rendition of the chief Mo-Wong. The consul made the demand upon the acting Governor of Hong Kong (the Governor being absent at the time), and he, in dereliction of the solemn duty imposed upon him by the 21st Article of the Treaty, placed the unhappy Mo-Wong in the hands of the consul at Canton, who delivered him over to the mandarins; the consul and acting Governor are consequently responsible for the horrible results, involving cannibalism, depicted in the following statement, of the truth of which there would seem to be no doubt, as they were witnessed by an officer of Her Majesty's service:—

"OVERLAND TRADE REPORT.

"Hong Kong, Tuesday, 30 May 1865.

"The case of extradition referred to in last report as having been made by the Hong Kong authorities to the Canton mandarins of a Taeping chief who had taken refuge here, has excited a good deal of popular indignation. It would appear that the local authorities have not only read the Treaty erroneously, but that they have no power whatever to meddle in the matter, no Ordinance ever having been passed to enable them to take cognizance of offences under the Tientsin Treaty. The sad part of the story is the mode of the death of the unfortunate man surrendered. He was demanded on a charge of piracy; the punishment for which is decapitation. The surrender was made through the British Consul at Canton, who, in giving the man up to the mandarins, notified that the accused ought to have a fair trial, and that he wished to know when the same would take place, as he would make it a duty to watch the proceedings. Whether a reply was or was not received is not known; but the prisoner was taken to the execution ground, tied to a cross, and was cut to pieces in a manner too horrible to bear recital. When at length death released the victim, his heart was cut out, and the soldiers mustered around and ate it! After which the head was cut off; the idea, in the commission of the two last barbarous acts, being that the deceased should appear in 'Hades' without head or heart. The horrible spectacle was witnessed by an officer in Her Majesty's service."

The conduct of the consul and the Acting Governor of Hong Kong is the more culpable, as they were perfectly aware of the antecedents of Chinese officials in the perfidy, cruelty, and baseness exhibited towards Taeping rebels, of whom Governor Yeh slaughtered from 60 to 100,000, men, women, and children, in the province of Canton; the bloody executions at Shanghai by the Fontai; the torture of prisoners given up by Major Gordon at Wiscon-Sin and elsewhere; the cruelty and perfidy extending also to Europeans, as in the case of the British officers at Pekin; indeed, on all occasions when it was believed that it could be practised with impunity. I beg your Lordship to observe, that notwithstanding the Order in Council, dated 1st March 1864, prohibiting British subjects from giving their services to the Chinese authorities, Major Jebb, an officer of Her Majesty's 67th Regiment, and Lieutenant Carden, 67th Regiment, continue to instruct a body of Chinese in the use of mortars and light guns at Fung-wang-shan; and Colonels Bailey and Doyle at Mic-do-Chiao and Shu-szu-quou, have large bodies of men under their command, and daily exercise them in the use of guns of every calibre; while Dr. M'Cartney, late of Her Majesty's 99th Regiment, and eight European mechanics, are engaged in manufacturing shot and shell for the Chinese Government at Soochow. Colonel Cooke commands a body of Chinese at Ningpo, and Colonel Kirkham is sent to Amoy at the head of a body of Chinese troops. On the other hand, it is said there are from 80 to 100 Europeans of all nations in the service of the Taeping chiefs, in the province of Fokeim. It must be manifest, therefore, to your Lordship that while Europeans are permitted, or rather not prevented, from hiring themselves as mercenaries to the contending parties in China, that the present anarchy and consequent desolation of the country and the miseries of the people, must necessarily be intensified; the more so as the universally acknowledged impotence of the Imperial Government leaves the people without hope for the re-establishment of order.

I have, &c.

(signed) W. H. Sykes, Colonel,
M.P. for the City of Aberdeen.

Earl Russell, &c. &c.

— No. 2. —

(No. 138.)

COPY of a DESPATCH from the Officer Administering the Government of Hong Kong to the Right Honourable *Edward Cardwell*, M.P.

Hong Kong, 20 September 1865.

Received 16 Nov. 1865.

Answered, No. 17, 31 January 1866. Page 15.

Sir,

I HAD the honour to receive yesterday your Despatch, No. 140,* of 10th ultimo, calling on me for explanation of a statement made by Colonel Sykes, M.P., to the Right Honourable the Secretary of State for Foreign Affairs, respecting the alleged delivery, without legal sanction, and even without the precautions prescribed by the Tientsin Treaty, of a Taeping refugee, charged with piracy, to the British Consul in Canton by the Hong Kong authorities, and by the Consul to the Chinese authorities, by whom he was barbarously put to death.

I lose no time in giving the explanation required.

I have rarely met with a statement containing so many errors in so brief a space.

The documents herein enclosed give the fullest and most minute details of the case in its connection with this Government; and they prove:—

1. That strict investigation was made according to law, and that perfect legal sanction was attached to every step in the transaction.

2. That the precautions prescribed by the Tientsin Treaty were even more fully observed than is alleged, because the 21st Article of the Treaty does not recognise the British Consul in connection with refugees in Hong Kong, and the demand was made by the Viceroy of the Kwang himself; neither does that article justify delivery from Hong Kong to the British Consul, but to the Chinese authorities, and to these the delivery was made accordingly.

3. That there is nothing in the evidence taken before the magistrate to show that the prisoner was a Taiping refugee; but, on the contrary, the weight of subsequent evidence inclines to prove that the rebel chief whom he is put forward to personate had died about a year and a half before.

4. That the man's crime was not piracy, but robbery from a boat within the dominions of the Emperor of China. I make this point because, had it been piracy, we should have been forced to take cognisance of it in our own courts, and should not have been justified in the criminal's rendition.

5. That while the criminal, as I have already shown above, was not delivered to the British Consul, but to the Chinese authorities, the British Consul at Canton was, according to practice, and as a matter of courtesy and policy, duly and officially advised of the act of rendition.

6. That there is nothing within the knowledge of this Government showing that the man was "barbarously put to death." But I must remark, on this head, that the records of the Hong Kong Government would be unlikely to embrace this point, as, after legal delivery to the Chinese authorities, and formal notification thereof to the Consul at Canton, the functions of the Hong Kong authorities ceased and determined. I may add, however, as to the nature of the death (though this Government is not responsible for it, whatever it may have been), that, as far as I can learn, an execution (the one referred to by Colonel Sykes) was witnessed not by one "officer of Her Majesty's service," but by two, and the one contradicts and ridicules the account of the other, while neither understood Chinese, and neither consequently is able to give reasonable cause to believe that the criminal whose execution they witnessed was the one with whom this Despatch is concerned. However, I shall not touch further upon this point, as it does not concern myself or any of the Hong Kong authorities, who have neither jurisdiction nor influence in Canton, and who did all that rested with them by officially warning the British

No. 2.

The Officer
Administering the
Government of
Hong Kong, to
The Right Hon.
E. Cardwell, M.P.
20 Sept. 1865.

* Page 3.

Consul in Canton of the delivery, under Treaty, of the criminal demanded. It is right, however, that I should add that Consul Robertson (as I am given to understand) is satisfied that torture was not applied.

I enclose the following papers, showing each stage of the proceeding :—

No. 1.

1. The application or demand of the Viceroy of the Two Kwang to myself for the rendition of Ho-yu-teen, according to Treaty.

No. 2.

2. The British Consul's letter endorsing the demand. This was an act of courtesy on Mr. Robertson's part, but legally was superfluous, as without a direct demand from the Chinese authorities, I should not have moved in the matter.

No. 3.

3. The various letters from the Colonial Secretary to the Attorney General, Superintendent of Police, and other Government officers of the Colony, instructing them to take the requisite steps.

No. 4.

4. The proceedings before the Police Magistrate, for the purpose of proving or disproving guilt according to the wording of the Treaty, Article XXI., and under provisions of Ordinance, No. 2, of 1850.

No. 5.

5. The Report of Mr. Attorney General Ball, which is important, and I submit, conclusive.

No. 6.

6. My warrant to the Gaol Superintendent, authorising the delivery of the prisoner to the Chinese authorities.

No. 7.

7. My Despatch to the Viceroy announcing the rendition.

No. 8.

8. Colonial Secretary's letter to Consul Robertson advising him of the rendition.

In a reduced and intelligible form, then, the charges against me are two: that the man was wrongfully surrendered, and that I surrendered him knowing him to be the Mo-Wang, a Taiping chief.

The above papers will, I think, show that Ho-yu-teen, the criminal in question, was not wrongfully surrendered, and that every legal and other precaution was taken against the possible surrender of an innocent man.

No. 9.

As to his being the Mo-Wang, or a Taiping chief, I beg to point out that his counsel (for he was defended by an able barrister), Mr. Pollard, q.c., endeavoured to elicit this in cross-examination, and failed. I also enclose extract from a news-sheet published in Canton, in which it is stated confidently that the said Mo-Wang was killed before Soochow on the 29th November 1863.

To recapitulate, the real facts are briefly these :—On the 22d April last the Viceroy of the Two Kwang made formal demand, under Treaty, for the rendition of Ho-yu-teen, charged with robbery from a boat on a certain river in Chinese territory, and within Chinese jurisdiction.

The accused was arrested, and in due form, as laid down by Ordinance, was taken before the sitting magistrate.

At the same time, as the Canton authorities had recently complained of the discharge of Chinese subjects similarly demanded, I requested the Attorney General to watch the case, the prisoner being defended by counsel.

Ho-yu-teen was committed on the charge, and, as the Attorney General shows, there was no alternative but to hand him over to the officers of his own Government.

This was done, and the British Consul properly notified.

There the action and control of this Government ceased, and I submit that throughout the proceedings every care was taken and all due caution observed.

It occurs to me to note that this very case has already been incidentally brought to your notice, it being referred to in Mr. Wade's letter of 19th July, and commented on in my Letter, No. 629, of 9th August, both of which form part of enclosure in my Despatch, No. 115, of 9th ultimo.

It is also well to note that your Despatch, No. 56, of 10th April, to which your Despatch under reply alludes, did not reach me until subsequently to the transaction now under review.

Nor should I be doing my duty were I to omit to point out a significant fact connected with Colonel Sykes' letter. The "Overland Trade Report," which he quotes, is the mail or home edition of the "Hong Kong Daily Press," of which the

the proprietor and editor is well known at the Colonial Office and in the Colony. To say this, in addition to all I have said, is I think to prove that Colonel Sykes has been shamefully imposed upon.

As to the strong terms employed by Colonel Sykes in alluding to the assumed action of this Government, I content myself with a simple protest against the manifest injustice of such language applied to any public officer on an *ex-parte* statement.

You, Sir, are in a position to know what my ideas are on the subject of delivery of prisoners to Chinese torture, for I have not hesitated to express them in various Despatches addressed to yourself; and to you I confidently look for an acquittal from the injurious charge now preferred,—injurious I mean in the intention of its framers.

As a letter similar in its views to that of Colonel Sykes, has been published on this subject in the "London Daily News," I should wish equal publicity given to this Despatch, provided there be no official reasons against it.

With reference to your concluding paragraph, my Despatch, No. 115, of 9th August, will show that I have so far anticipated your instructions by the resolution I had come to (in opposition to Mr. Wade's wishes; see enclosure to that Despatch), not to hand over the particular cases without guarantee till further orders.

I have, &c.
(signed) W. T. Mercer.

Enclosure 1, in No. 2.

Encl. 1, in No. 2.

HIS Excellency the Imperial General of China, commanding (the Troops) at Kwong Chow, and Acting Governor General of the Two Kwang provinces, Suy (to the Acting Governor of Hong Kong). The reason for my transmitting this Despatch to your Excellency (is the following):—The Commandant, Chun-Chak-Foo, petitioned me (to the effect) that Chun Chan Kit had sent a petition to him stating that on the 17th day of the 5th moon, in the first year of Tong Chi, he (Chun Chan Kit) carried with him more than 3,000 taels of silver in specie, having chartered a vessel to proceed to Shanghai to purchase merchandise. The vessel was passing by the river in Fook-San, when it was cruelly attacked by some robbers and vagabonds, who plundered it completely, carrying Chun Chan Kit away with them. Therefore he (Chun Chan Kit) is able to identify the principal robber, How Yook Tin. Afterwards Chun Chan Kit found an opportunity of escaping, and on the 9th moon of the third year of Toong Chi he returned to Canton. On going down to Hong Kong to buy goods, he observed the head robber, How Yook Tin, running into Kum-Sing-Tai, a Hong, trading in sundry articles between the south and north (of China). He subsequently had ascertained through inquiry that the said Hong was on the previous year, between the 8th and 9th moons, opened by How Yook Tin. Chun Chan Kit then resolved to petition to have him apprehended, but fearing that the said head robber should gain intelligence of this and flee away, so that the booty plundered on the previous occasion could not be recovered, therefore he (the Commandant) solicits on (Chun Chan Kit's) behalf, that officers may be sent with the witnesses, Chun Chan Kit and Chun Ting Fai, to proceed to arrest him; and also begs me to write to request the British Consul to send a Despatch to his Excellency the Governor of Hong Kong, to assist in seizing the transgressor, How Yook Tin, and deliver him over to the officers to take him back to Canton to be tried and punished, in order to destroy a pest from among people, &c. As to me, the Acting Governor General, I have, according to this affair, examined the 21st section of the Chinese Treaty between Great Britain, which mentions that if persons belonging to China having violated the laws, and escaped to Hong Kong, the Chinese Mandarin is to send a Despatch to the English Authority to have them strictly seized, and if after due examination found to be guilty offenders, they are to be given up, &c. Now this criminal, How Yook Tin, guilty of larceny and robbery, has fled to Hong Kong. I, the Acting Governor General, in accordance with the Treaty of Peace, now communicated to Her Britannic Majesty's resident officer in Kwong Chow, the Lo Consul (Mr. Robertson) to furnish me with an official Despatch addressed to Her Majesty's Resident Governor at Hong Kong, and which has been given to the officers, to take down to Hong Kong, requesting his Excellency the Governor to look into the document addressed to him for the rendering of mutual assistance in the apprehension and delivery of (How Yook Tin), soliciting that immediate aid may be afforded to accompany the officers herewith detached, Chun Chak Foo and Poo-ying-yong, and by all means to have one How Yook Tin, the robber, arrested, so that he may be handed over to the officers to carry back to Canton to be tried and punished.

This is really an official document, with an inquiry after your timely happiness; which, I hope will come upon the person I am now writing to.

The above is addressed to Her Majesty's resident Governor of Hong Kong, Mah (His Excellency W. T. Mercer, Esq.)

Translated by Chuntyin, Clerk and Student Interpreter at the Magistracy.

Encl. 2, in No. 2.

Enclosure 2, in No. 2.

(Separate.)

Sir,

Canton, 21 April 1865.

I HAVE the honour to enclose translation of a Despatch I received from his Excellency the Acting Viceroy with reference to the arrest of a man named How-yu-teen for an act of piracy, and requesting me to furnish the officers, Chen-chih-poo and Paon-ying-heang, with a letter for the information of his Excellency the Acting Governor, in order that the offender may be arrested and forwarded to Canton. Accordingly I have written this Despatch, which will be handed to you by the officers above-named.

To the Honourable
W. H. Alexander, Esq.,
&c. &c. &c.

I have, &c.
(signed) D. B. Robertson.

His Excellency the Acting Viceroy, to Her Majesty's Consul.

Canton, 21 April 1865.

THE Acting Viceroy has received a petition from Major General Chen-Chi-poo, stating that his agent, Chen-Chen-Kee, went on the 13th June 1862, to Shanghai by sea, with over 3,000 taels to invest. The vessel was passing Fuh Shan, when they fell in with pirates, who robbed them of everything, and took Chen-Chen-Kee prisoner. He got acquainted with the chief of the pirates, How-yu-teen, and made his escape.

During October of 1864 he returned to Canton, and went down to Hong Kong on business, and there saw How-yu-teen in the Kin-Cheng-tae shop, a shop for the sale of all sorts of things from north and south, and situated in the Shanghwan.

On inquiry, he found that the shop belonged to How-yu-teen.

His first idea was to petition against him at once, but fearing lest he should get information and escape with his booty, he got some one to petition specially for him, that an officer might be sent with him and one Chen-hwng-ting, who could both act as witnesses, to point out the pirate and have him captured; and also that Her Majesty's Consul, and the Governor of Hong Kong might be communicated with, that the man might be secretly arrested, and handed over to the Chinese officers, to be brought back to Canton for examination, in order to put a stop to such mal-practices.

On receipt of this petition, the Acting Viceroy consulted the 21st Article of the English Treaty, which says that Chinese criminals, if they take refuge in Hong Kong, shall upon due requisition by the Chinese authorities be searched for, and on proof of their guilt, be delivered up.

Now the pirate, How-yu-teen, has taken refuge in Hong Kong, and therefore according to Treaty, the Acting Viceroy has to inform Her Majesty's Consul, and request him to prepare a despatch, to be handed to the officers Chen-Chih-poo, and Paon-ying-hiang, and to be taken by them to Hong Kong, for the information of his Excellency the Governor, in order that assistance may be given in capturing and forwarding to Canton the pirate, How-yu-teen.

True translation,
(signed) Chas. Carroll, Interpreter.

Encl. 3, in No. 2.

Enclosure 3, in No. 2.

(No. 253.)

Colonial Secretary's Office, Hong Kong,
25 April 1865.

Sir,

I HAVE the honour, by direction of the Acting Governor, to send you a Despatch received from Her Majesty's Consul at Canton, enclosing a translation of a communication received by him from the Acting Viceroy, with reference to the arrest of a person named How-yu-teen, asserted to be a Chinese subject, for an act of robbery alleged to have been committed in Chinese jurisdiction, and the depositions taken thereon.

A separate Despatch of the same tenor as that to her Majesty's Consul was addressed to his

his Excellency by the Acting Viceroy. This communication has been handed to the police magistrate.

As counsel has appeared on behalf of the prisoner, and as the Acting Governor has reason to think that in other cases the ends of justice have been defeated, and the Chinese authorities may have had some ground for the frequent complaints they have preferred, it is his Excellency's wish that you should read the papers transmitted herewith, and attend to watch the case at the next hearing, fixed for the 1st proximo.

Should the case, however, fall through, and the decision be such as to prevent this Government acceding to the application made by the Chinese Government, it is his Excellency's desire that a report of the whole case may be furnished by you for his information.

I have, &c.
(signed) *W. H. Alexander,*
Acting Colonial Secretary.

The Honourable the Attorney General.

(No. 271.)

Colonial Secretary's Office, Hong Kong,
3 May 1865.

Sir,

I AM directed to inform you that his Excellency the Acting Governor, has issued an order to the Superintendent of Victoria Gaol, to deliver into your custody the prisoner How-yu-teen, committed under Ordinance 2 of 1850, in order that he be dealt with in accordance with the provisions of the Treaty.

The Acting Registrar-General has been instructed to communicate with you, and arrange for How-yu-teen's safe delivery to the Chinese authorities at Canton.

You will be careful in carrying out these instructions, as the rendition of the criminal is a matter of great importance.

W. Quin, Esq.,
Captain Superintendent of Police.

I have, &c.
(signed) *W. H. Alexander,*
Acting Colonial Secretary.

(No. 270.)

Colonial Secretary's Office, Hong Kong,
3 May 1865.

Sir,

I AM directed to inform you that the prisoner How-yu-teen (otherwise called How-Hoi-Low), whose rendition has been asked for by the Chinese authorities, has been committed by the police magistrate, in accordance with the provisions of Ordinance 2 of 1850; and his Excellency the Acting Governor has directed the Superintendent of Victoria Gaol to deliver him to the Captain Superintendent of Police, in order that he may be dealt with under the provisions of the Treaty.

I am therefore to instruct you to see the Captain Superintendent of Police, and arrange for his safe delivery to the Chinese authorities at Canton.

You will be careful in carrying out these instructions, as the rendition of the criminal is a matter of great importance.

Cecil C. Smith, Esq.,
Acting Registrar General.

I have, &c.
(signed) *W. H. Alexander,*
Acting Colonial Secretary.

Enclosure 4, in No. 2.

P. M. No. 2171.

Encl. 4, in No. 2.

THE COLONY OF HONG KONG, TO WIT:

The INFORMATIONS of WITNESSES and the STATEMENT of the DEFENDANT taken on behalf of Our Sovereign Lady the Queen on the 24th April and 1st May 1865, at the Police Court, Victoria, before John C. White, Esquire, one of Her Majesty's justices of the peace for the said Colony; the said informations given in presence and hearing of How-Hoi-Low, 37, of Poonyii, master of Kum-Sing-Tai, the said defendant charged before the said justice, for that on the 13th of June 1862, on the Fook-San River, in the Dominions of the Emperor of China, with a number of evil-disposed persons unknown, with arms, feloniously did rob Chan-Tsun-Kit of a junk and its cargo, consisting of oil, sugar, and opium, of the value of 3,000 taels. And the defendant committed to prison, pending reference to his Excellency the Governor.

P. Court, No. 2171.—Warrant, No. 884.

Commenced 24th April 1865.—Remanded to 1st May.—Case No. 275.—
Concluded 1st May.At the POLICE COURT, *Victoria*, in the Colony of *Hong Kong*.MINUTES of PROCEEDINGS in the Cause in which Chan-Tsun-Kit, Trader, is
Complainant, and How-Hoi-Low, 37, of Poonyii, Master of Kum-Sing-Tai, Defendant.

Monday, 24th April 1865.

Chan-Tsun-Kit, declared, deposeth :

I am a trader, and live in the Toong-Kune district. In the first year of Toong-chee, the 17th day of the 5th Moon (13th June 1862), I left Shanghai in a Ningpo junk for Chun-Kong. I had about 3,000 taels' worth of goods, oil, sugar, and opium, on board. The next day we were in the Fook-Shan River; at about three or four in the afternoon, I was asleep, and was roused up by some people on board. I saw two boats near us, one of them fired small cannons at us; the crew in my junk, which I had hired, all jumped overboard; I do not know if they were drowned, but the river is very wide; I had a crew of seven. I remained in the junk alone; the two boats came alongside; there were about 30 men on board of them. The prisoner was one of them; he was the head man. They took my boat to Fook-Shan; when there I was taken to a shed, and had a chain put on my feet. The prisoner told me I must write home to my friends for 1,000 dollars to be ransomed. I told him I had no more property; I was kept there about a month in chains, and was made to work for the prisoner, in cutting wood and carrying as a coolie. I was taken about by the prisoner by land from place to place, until the 1st day of the 7th Moon, of the 3d year of Toong-chee (2d August 1864), when the prisoner's party was beaten by the mandarins. I do not know the name of the place. The prisoner and his party all ran away, and I hid myself in the hills until night-fall. Next morning, seeing nobody, I made for a place called Chan-gong; there I saw some soldiers I knew, and told them about my case. I remained about 10 days at Chan-gong; and then sailed for Hong Kong, which I reached on the 15th of last October; I stayed here one day, and then went on to Canton. On the 15th of last month I came here from Canton to buy some goods; I was walking on the Praya, when I saw the prisoner enter a shop, the Kom-shing-tai, in the Praya West. I went back to Canton the next day, and wrote to a friend, Chan-Fai-Ting, who had been a prisoner with me when I was in the power of the prisoner. I told him I had seen the prisoner; I went to the Chinese authorities and stated what I had suffered, and that I had seen the prisoner in Hong Kong. I was sent here with a mandarin by the Acting Viceroy.

To the Prisoner,—I never saw you until the day on which I seized you; I am not a gambler; I never asked you to lend me money; I did not go to your shop in the second moon this year to ask you to lend me money.

[Signed, in Chinese.]

Chan-Fai-Ting, declared, deposeth :

I am a dealer in salt fish, and live in Toong-Kune city. I know the prisoner; I identify him as the head of a band of pirates. I was a prisoner to him. On the 15th day of the 5th Moon of the 1st year of Toong-chee (11th June 1862), I was on board a junk I had hired. I was in the Fook-Shan River; I had a crew of three on board. I had 150 piculs of fish on board; each picul cost four taels. I was attacked by two boats; the prisoner was in command of them. My boat was captured, and I and the crew were taken to a shed, where I was put in chains. I was kept there more than a month; a couple of days after, the first witness was brought in as a prisoner. I was asked to pay 200 dollars to get free. I sent to my partner at Mooy-shah-Kong for the money, which was sent to me, and I and my boat were released. I went then to Mooy-shah-Kong, and from it to Toong-Kune, which I reached in the middle of September 1862. On the 12th of last March I received a letter from the first witness. I cannot read very well. I went to Canton and was taken by the first witness to the mandarin who came here with me. I never saw the first witness before I saw him as a prisoner at Fook-Shan, nor have I seen him since then until some time last January, when I saw him at Toong-Kune. I did not speak to him then.

The prisoner puts no questions to the witness.

† *Chan-Fai-Ting's mark.*

Chan-Tsun-Kit, Recalled.

The first time I saw the last witness was at Fook-Shan, when I was taken to the shed by the prisoner; he was there chained. A good many others were also there.

[Signed, in Chinese.]

The Prisoner says:—I knew the first witness at Chan-Kong as a gambler. I never had anything to say to the robbery of his junk. On the 2d moon this year he came to my shop and asked me for some money, which I refused to give him. Some of my shopmen threw some night soil at him. He got angry, went up to Canton, and has brought this false charge against me; I have been here since the 7th moon last year (August). I came here from Chan-Kong, by Shanghae. I belong to the Pum-Yee district. I was a trader between Chan-Kong and Shanghae for two or three years. I never saw the second witness before to-day. When the first witness went to my shop in the 1st moon this year to ask me for money, there were some six men in it. It was between 12 and 1 o'clock when he came. None of those men are here now; some are now in my shop.

Mr. *Pollard* objects, that there is no evidence before the Court of any sub-official communication, as is required by the Ordinance No. 2 of 1850, having been made by any authorised or other officer of the Chinese Government, alleging that the defendant is charged with being guilty of any crime or offence against the laws of China, or that such communication has been made to or forwarded to any magistrate or court. That a letter from a consul at Canton cannot be received as evidence of the facts therein stated.

Objection disallowed.

(signed) *John C. Whyte.*

Mr. *Pollard* applies for a remand and a copy of the evidence.

Remanded till Monday, 1st of May. The prisoner to be admitted to bail. Two sureties in 250 dollars each.

(signed) *John C. Whyte.*

Monday, 1st May 1865.

The Attorney General in Court to watch the case. Mr. *Pollard* appears for the prisoner.

Chan-Tsun-Kit, Recalled:

The attack on my boat was made at a place called Keang-han, which is situated on a river a long way from the sea. Chun-Kong is on the same river.

[Signed, in Chinese].

Cecil Smith, Esq., sworn, deposeth:

I am Acting Registrar General. On Monday last the two Chinese officers now in court came to me with the papers I now produce, marked A and B respectively. In the paper A was the letter (marked C). It is a letter from the Acting Viceroy of the Two Kwangs to his Excellency the Acting Governor of Hong Kong. I was directed by the Acting Governor of Hong Kong to communicate with the magistrate, which I accordingly did.

(signed) *Cecil C. Smith.*

Mr. *Pollard* objects, that the documents tendered by Mr. Smith are not receivable in evidence, as they are not either complaint, information, or communication, within section 1st of Ordinance No. 2 of 1850.

Mr. *Pollard* also objects that there is no evidence that the offence with which the prisoner is charged is an offence against the laws of China. The complaint on which the charge is founded is alleged to be piracy, which the local tribunals have power to deal with.

Objection disallowed.

Chan-Tsun-Kit; Cross-examined by Mr. *Pollard*.

When I was taken by the prisoner he had about 30 men with him in his boat; the boat had no flags that I saw. On shore, at the shed where I was tied up, there were 200 or 300 people; they had no flags or banners that I saw; I went from place to place. I was not in chains always, but I was watched, and obliged to work. There were several hundred; I saw no flags with them. They were not dressed as soldiers, but they all had arms. I do not know the names of the places I was taken to. I belong to another district, and was a stranger there; I only know the river, not the land places. I was about two years with them. The party I was with were always several hundred strong. While I was with them I did not see any fighting; I was made to cut wood. I saw them attack

some persons to rob them, but I never saw any fighting. I was always in the country, never in the towns. The prisoner's party, when beaten by the mandarins, were several hundreds, not thousand. The prisoner was acting as an officer. I saw no banners. The fight was in the country near Chan-Kong, on the land, not near the river. I do not know the name of the place; it was at a village. The whole two years the people I was with kept in the country. The fight, when the mandarins beat them, was the only one I saw. I do not know who the mandarins were; their force was more than a thousand. The prisoner did not wear any particular hat or dress; I heard he was in command, and saw him order people about. I saw him all the two years; he did not watch me himself; he made others do so. When I escaped from the prisoner I did not know where I was, nor did I know where the mandarins were. I was alone; I saw neither party when I ran away, but I made for a hill I knew. I never asked the prisoner to lend or pay me money here, and I have never been to his shop, the Kom-Shing-Tai, never.

[Signed, in Chinese.]

Chen-Ah-Man, declared, deposeth:

I am a tin smith, and live on the Praya. I know the prisoner; he used to live in the upper part of my house. The first witness brought a letter for the prisoner to my house in the early part of the second moon of this year. When he brought the letter, he asked me where the prisoner was; he left the letter, and said to me: "Please, give the letter to How-Hoi-Low." I gave that letter to the prisoner; I did not see the witness again in my shop, or at any other place. The letter was addressed to the prisoner. The witness said that the letter came to try and get some money from the prisoner, and that he would not get some letters.

To the Court:—I do not know what became of the letter; I had never seen the witness before. I had known the prisoner since the 10th moon of last year.

[Signed, in Chinese.]

How-Ah-Kune, declared, deposeth:

I am a shop coolie in the prisoner's shop, and was there in the second moon. I have seen the first witness before, at my master's shop, in the second moon of this year; I was standing at the door when the first witness went in; I heard a great noise; I went in and saw the witness quarrelling with the shopmen; I asked what was the matter; one of the coolies said, that the first witness had asked the prisoner to lend him some money, which he refused, and they had a quarrel. A shopman said, "No, we have not much business; we cannot give any money." I saw nothing thrown at him, nor did I see him beaten; I am sure the witness is the man.

To the Court:—The witness is the first man who came to ask for money; I forget the day; it was about noon; five or six men were in the shop. The prisoner was in a room partitioned from the shop.

[Signed, in Chinese.]

Wong-Hin-Sheen, declared, deposeth:

I am also a shop coolie to the prisoner. I was in the shop, in the second moon this year. The early part of that moon the first witness came to our shop; I was away; when I came back I saw him fighting with some of the shopmen. I asked what was the matter. Some of the coolies said he had come to try and get money from the prisoner. They said, "Let us beat him;" I said "No, do not beat him." The witness then went away; I am positive the witness is the man.

To the Court:—It was about noon; I cannot give the date. There were five or six men in the shop. I was engaged by a man named Lee-Cheong-Chan, who has run away; he belonged to the Kom-Ching-Tai shop; I have not seen him since last Monday. The prisoner was in the front part of the shop when I got back, on the day in question, near the counter. There is a portion partitioned off; he was at the shop side of the partition.

[Signed, in Chinese.]

The prisoner is committed to gaol, pending reference to his Excellency the Governor.

(signed) *John C. Whyte.*

Enclosure 5, in No. 2.

The Attorney General's Office, Hong Kong,
2 May 1865.

Encl. 5, in No.

Sir,

I HAVE the honour to inform you that, in pursuance of the directions of his Excellency the Acting Governor, I attended yesterday at the police court to watch the case in the interest of the Crown, and was prepared, if necessary, to contend that the evidence perfectly justified the presiding magistrate in committing the prisoner to abide the further order of his Excellency.

Any argument, however, on this point would have been superfluous as Mr. Whyte' although anxious to regard the case *ex abundanti contelâ* in all its features, was evidently' at an early stage of the proceedings of yesterday, of opinion that there was probable cause for believing that the prisoner had committed an offence against the laws of China, within the meaning of that term, as found in Ordinance No. 2 of 1850, and that that Ordinance not only gave him jurisdiction to proceed, but, under the circumstances, rendered it imperative on him to do so.

The result of the matter, therefore, is this: The prisoner stands committed to abide the further order of his Excellency; and I presume the documents will to-day be forwarded to you, in order that the same may be laid before the Acting Governor.

Although I am fully impressed with the notion that there is no point in this case which has escaped my attention, I having had the very valuable assistance of Mr. Smith, the Acting Registrar General, in making myself acquainted with the facts, I should wish, before making the report called for by your previous letter, to have all the papers submitted to me in order that I may read them as a continuous whole; there is, however, one matter in connection with them which I think demands attention. It is this: At the close of the proceedings, Mr. Pollard applied to Mr. Whyte to hold the papers in his hands, in order that he might make an application of some kind or other, the nature of which did not very clearly appear to the Supreme Court. Mr. Whyte, of course, gave the only answer which he could give, that the Ordinance gave him no power to do so, and that the matter must forthwith be placed, by virtue of the Ordinance, in his Excellency's hands; but, as the matter was pressed, added that he had no objection, at the foot of the proceedings, to state, in order that the Acting Governor might receive due information, that such an application had been made.

Upon this point I am desirous of recording my opinion, that no delay whatever should be granted by the Acting Governor to the prisoner for any such purpose. I do not for an instant assume that the Supreme Court would give effect to any of the objections, the nature of which appear on the face of the proceedings, but the ground upon which I put the case is this: The British Government have entered into a treaty with China. It has, by giving its sanction to a local Ordinance, now 13 years in existence, marked out the course to be pursued in the rendition of a person charged with an offence; if, therefore, the Executive, satisfied with the proof of a prisoner's guilt, shall grant him time for no other purpose than to carry the matter from one court to another, I think the Chinese Government would have ample cause of complaint against the authorities in Hong Kong.

I have, &c.
(signed). *Henry John Ball.*

The Honourable W. H. Alexander, Esq.,
&c. &c.

Enclosure 6, in No. 2.

(L. S.)

(signed) *W. T. Mercer.*

Encl. 6, in No.

To *Francis Douglas*, Superintendent of the Gaol at *Victoria*, in the Colony of
Hong Kong.

WHEREAS John Charles Whyte, Esquire, one of the Police Magistrates of this Colony, did on the 1st instant, and in pursuance of Ordinance No. 2 of 1850, commit one How-Yu-Teen, otherwise How-Hoi-Low, for safe custody, to prison, and did direct you to detain him in prison until you should receive some order from the Governor of Hong Kong relative to his further detention, discharge, or transmission to the nearest Chinese authorities, or to such other Chinese authorities as to the Governor should seem fit; and whereas the said John Charles Whyte did, upon making such committal as aforesaid, transmit to me, William Thomas Mercer, Esq., being the officer administering the government of this colony, the minutes of the investigation held before him with respect to, and all documents in his possession connected with the charge against the said How-Yu-Teen, in order that

the said How-Yu-Teen might be dealt with according to the treaty now existing between Her Majesty and the Emperor of China. Now, therefore, I, the said William Thomas Mercer, being such officer as aforesaid, and having full power and authority in that behalf, do hereby, in pursuance of the treaty and ordinance aforesaid, order and require you to deliver him to the Captain Superintendent of Police, for the purpose of his being dealt with according to the provisions of the said treaty.

In witness whereof I have hereunto set my hand and seal this Third day of May, One Thousand Eight Hundred and Sixty-five.

By His Excellency's Command,

(signed) *W. H. Alexander,*
Acting Colonial Secretary.

Enclosure 7, in No. 2.

Encl. 7, in No. 2.

Sir,

Hong Kong, 3 May 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch relative to a man named How-Yu-Teen, whose arrest and rendition you asked for, and in reply I have to state for your information that the man in question was after a lengthened investigation committed to prison by the magistrate of police.

I have ordered the necessary steps to be taken for his delivery to your Excellency, in accordance with the Treaty Provisions.

I have, &c.
(signed) *W. T. Mercer,*
Acting Governor and Commander-in-Chief.

His Excellency Suy,
Acting Governor-General, Two Kwang.

Enclosure 8, in No. 2.

Encl. 8, in No. 2.

Sir,

Colonial Secretary's Office, Hong Kong,
3 May 1865.

REFERRING to your Despatch, separate, of 21st ultimo, I have the honour to inform you that the man How-Yu-Teen was on the 1st instant committed to gaol under Ordinance 2 of 1850, and that his Excellency the Acting Governor has signed an order for his livery to the Chinese authorities at Canton.

D. B. Robertson, Esq.,
Her Majesty's Consul, Canton.

I have, &c.
(signed) *W. H. Alexander,*
Acting Colonial Secretary.

Enclosure 9, in No. 2.

Encl. 9, in No. 2.

"Canton Observer," 5 June 1865.

"WE are obliged to decline inserting in full our Chinese correspondent's sarcastic remarks anent the controversy which our Hong Kong contemporaries have been carrying on with respect to the supposed extradition of the Mo Wang to the Chinese authorities. We have no desire to undergo a prosecution for libel, but we deem it our bounden duty to avail ourselves of our superior information so far, as to point out to our Hong Kong brethren of the quill that the Mo Wang came by his death at Soochow on the 29th November 1863, and that the criminal named How-Yu-Teen, who was recently given up to justice at Canton, was executed as a pirate, on the evidence of the crew of a rice junk which he had plundered off Swatow.

"We wish our friends at Hong Kong to believe, at the same time, that it is far more in sorrow than in anger that we endeavour to correct their mistakes."

— No. 3. —

(No. 17.)

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M.P.,
to Governor Sir *R. G. MacDonnell*, C.B.

No. 3.
The Right Hon.
E. Cardwell, M.P.,
to Governor
Sir R. G. Mac-
Donnell, C.B.
31 January 1866.

* Page 5.

Sir,

Downing-street, 31 January 1866.

I HAVE to acknowledge the receipt of Mr. Mercer's Despatch of the 20th September last, No. 138,* furnishing the required explanation of a statement which had been submitted to Her Majesty's Government by Colonel Sykes, M.P., respecting an alleged illegal delivery of a Taeping refugee to the Chinese authorities by the Government of Hong Kong.

It is shown by the explanation now before me, that a man carrying on business in Hong Kong, under the name of How Hoi Low, was claimed by the Chinese Government in virtue of the Treaty of Tientsin as having committed robberies in China; that he was brought before the police magistrate in pursuance of the Ordinance, No. 2, of 1852.

The charge rested on the evidence of two witnesses. How Hoi Low was defended by counsel, and although a variety of technical objections were raised, it does not appear to have been alleged that he was a political refugee, still less that he was the Taeping Mo-Wang as now stated. If the statements which have been laid before Her Majesty's Government respecting the mode in which this man was put to death are at all true, it must be a matter of great regret that he was delivered to the Chinese Government, and as you are aware fresh instructions have been issued which will prevent such an occurrence hereafter. But having reference to the terms of the treaty under which Mr. Mercer was acting, I am satisfied, after full consideration, that he adopted every precaution in his power to carry the provisions of the Treaty of Extradition into proper execution. The man was not charged with piracy, which would be justiciable at Hong Kong, but with robbery, which brought him within the terms of the treaty. The case was properly investigated, and there was abundant evidence to support the decision of the magistrate.

I have, therefore, much pleasure in stating that no blame attaches to Mr. Mercer in this matter whilst he was administering the government of Hong Kong.

I have, &c.
(signed) *Edward Cardwell*.

— No. 4. —

(No. 18.)

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M.P.,
to Governor Sir *R. G. MacDonnell*, C.B.

No. 4.
The Right Hon.
E. Cardwell, M.P.,
to Governor
Sir R. G. Mac-
Donnell, C.B.
31 January 1866.

* Page 5.

Sir,

Downing-street, 31 January 1866.

Mr. MERCER, in his Despatch of the 20th September last, No. 138,* relative to the surrender of How Hoi Low to the Chinese Government, requested that as statements reflecting on his proceedings in this matter had been published in the London "Daily News," equal publicity might be given to his Despatch above referred to.

As Colonel Sykes, when bringing the matter before Her Majesty's Government, intimated his intention of calling the attention of Parliament to it, the papers will probably be all laid before the House of Commons; but I do not think that there is any necessity for taking the course proposed by Mr. Mercer.

I have, &c.
(signed) *Edward Cardwell*.

HONG KONG.

COPY or EXTRACTS of all CORRESPONDENCE in the Colonial Office respecting the Rendition by the Acting Governor of *Hong Kong*, Mr. Mercer, to the Chinese Authorities at *Canton*, of a Person described in the Public Journals as the *Mo-Wong*, and his Execution.

(*Colonel Sykes.*)

*Ordered, by The House of Commons, to be Printed,
20 March 1866.*

IMMIGRANTS AND LIBERATED AFRICANS.

RETURN to an Address of the Honourable The House of Commons.
dated 15 February 1865;—for,

“RETURN showing the Number of IMMIGRANTS and LIBERATED AFRICANS admitted into each of the *British West India* Colonies, as well as the Places from whence they were introduced, from the Year 1843 to the end of the Year 1856, and in each Year since the 1st day of January 1857, to the end of the Year 1865:”

“Similar RETURN for *Mauritius*:”

“And, RETURN of the Number of those who have RETURNED from each Place in each Year to their own COUNTRIES, and (as far as can be ascertained) the Amount of EARNINGS remitted through Government Agency in their behalf (in continuation of Parliamentary Paper, No. 194, of Session 1865).”

Colonial Office, }
9th April 1866. }

FREDERIC ROGERS.

(*Mr. Moffatt.*)

Ordered, by The House of Commons, to be Printed,
10 April 1866.

IMMIGRANTS AND LIBERATED AFRICANS INTRODUCED INTO THE

RETURN of IMMIGRANTS and LIBERATED AFRICANS introduced into the *West India Colonies and Mauritius* from the Year 1843 to the end of the Year 1856, and in each Year since the 1st day of January 1857 to the end of the Year 1865, so far as known.

WHENCE EMIGRATING.	J A M A I C A.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Great Britain - - -	13	-	-	-	-	-	-	-	-	-	13
Madeira - - - -	379	-	-	-	-	-	-	-	-	-	379
Serra Leone - - -	2,552	-	-	-	-	390	-	-	-	-	2,942
St. Helena - - - -	2,632	-	-	-	47	259	608	533	-	-	4,079
East Indies - - -	4,550	-	-	-	598	1,523	1,982	542	-	-	9,195
China - - - - -	(a) 472	-	-	-	-	-	-	-	-	-	472
Canada - - - - -	145	-	-	-	-	-	-	-	-	-	145
United States - - -	23	-	-	-	-	-	-	-	-	-	23
British West Indies - -	382	-	-	-	-	-	-	-	-	-	382
Savannah - - - -	347	-	-	-	-	-	-	-	-	-	347
Direct from Captured Slavers	230	362	-	-	-	-	-	-	-	-	592
TOTAL - -	11,725	362	-	-	645	2,172	2,590	1,075	-	-	18,569
WHENCE EMIGRATING.	B R I T I S H G U I A N A.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Great Britain - - -	21	-	-	-	-	-	-	-	-	-	21
Madeira - - - -	18,569	342	(b) 1,556	(c) 945	(d) 531	(e) 70	(f) 38	-	-	13	22,064
Cape de Verdes - - -	766	-	53	-	-	-	-	-	-	-	819
Scores - - - - -	164	-	-	-	-	-	-	-	-	-	164
Serra Leone - - -	4,619	-	-	-	-	-	-	-	-	-	4,619
Windward Coast - - -	381	-	-	-	-	-	-	-	-	-	381
St. Helena - - - -	2,590	-	281	-	625	40	558	(g) 446	390	42	4,972
East Indies - - -	22,730	2,596	1,405	3,804	5,078	3,729	5,625	2,353	2,710	3,216	53,246
China - - - - -	647	-	-	699	1,942	3,365	2,590	396	509	1,691	11,839
British West Indies - -	1,187	-	56	-	-	-	-	69	4,297	(h) 1,997	7,606
Surinam - - - - -	31	-	-	-	-	-	-	-	-	-	31
Rio de Janeiro - - -	441	-	-	-	-	-	-	-	-	-	441
Martinique } Guadaloupe }	367	-	-	-	-	-	-	-	-	-	367
TOTAL - -	52,513	2,938	3,351	5,448	8,176	7,204	8,811	3,264	7,906	6,959	106,570
WHENCE EMIGRATING.	T R I N I D A D.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Madeira - - - -	725	-	-	-	-	-	-	-	-	-	725
Cape de Verdes - - -	-	172	-	-	-	-	-	-	-	-	172
Serra Leone - - -	2,474	-	-	-	226	-	-	-	-	-	2,700
St. Helena - - - -	2,292	-	30	4	470	-	-	-	-	-	2,796
East Indies - - -	10,569	1,414	2,083	3,363	2,169	2,544	1,603	1,801	949	2,759	29,254
China - - - - -	988	-	-	-	-	-	467	-	-	593	2,048
United States - - -	47	-	-	-	-	-	-	-	-	-	47
British West Indies - -	4,773	-	-	-	-	-	-	-	-	-	4,773
Rio de Janeiro - - -	879	-	-	-	-	-	-	-	-	-	879
TOTAL - -	22,747	1,586	2,113	3,367	2,865	2,544	2,070	1,801	949	3,352	43,394

(a) This includes 205 Chinese brought from Panama.

(b) 72

(c) 261

(d) 396

(e) 35

(f) 9

(g) 74

(h) 47

of these were not introduced at the public expense.

Immigrants and Liberated Africans introduced into the *West India Colonies, &c.*—*continued.*

WHENCE EMIGRATING.	ST. LUCIA.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Sierra Leone - - -	551	-	-	-	-	-	-	-	-	-	551
St. Helena - - -	568	-	-	-	-	-	179	-	-	-	747
East Indies - - -	-	-	-	555	660	-	320	-	-	-	1,535
TOTAL - - -	1,119	-	-	555	660	-	499	-	-	-	2,833

WHENCE EMIGRATING.	ST. VINCENT.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Madeira - - - -	546	-	-	-	-	-	-	-	-	-	546
Sierra Leone - - -	234	-	-	-	-	-	-	-	-	-	234
St. Helena - - -	575	-	-	-	94	119	14	-	-	-	802
East Indies - - -	-	-	-	-	-	260	307	-	-	-	567
TOTAL - - -	1,355	-	-	-	94	379	321	-	-	-	2,149

WHENCE EMIGRATING.	GRENADA.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Madeira - - - -	431	-	-	-	-	-	-	-	-	-	431
Sierra Leone - - -	972	-	-	-	-	-	-	-	-	-	972
St. Helena - - -	85	-	-	-	92	122	57	114	-	-	470
East Indies - - -	-	283	362	299	-	-	1,097	-	-	-	2,041
Saba - - - -	23	-	-	-	-	-	-	-	-	-	23
TOTAL - - -	1,511	283	362	299	92	122	1,154	114	-	-	3,937

WHENCE EMIGRATING.	ANTIGUA.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Madeira - - - -	1,973	-	44	-	-	11	-	191	-	-	2,219
Cape de Verds - - -	195	12	-	-	-	-	-	-	-	-	207
China - - - -	-	-	-	-	-	-	-	*100	-	-	100
British West Indies - -	19	-	12	26	-	-	-	1,005	-	-	1,062
TOTAL - - -	2,187	12	56	26	-	11	-	1,296	-	-	3,588

* Received from a French vessel stranded at Barbuda.

Immigrants and Liberated Africans introduced into the *West India Colonies, &c.*—continued.

WHENCE EMIGRATING.	S T. K I T T ' S .										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Great Britain - - -	-	-	1	-	-	-	-	-	-	-	1
Madeira - - - -	106	157	253	103	77	43	50	219	-	-	1,008
Sierra Leone - - -	95	-	-	-	-	-	-	223	-	-	318
St. Helena - - -	137	-	-	-	-	-	-	-	-	-	137
East Indies - - -	-	-	-	-	-	337	-	-	-	-	337
British West Indies - -	5	-	-	-	-	-	-	-	-	-	5
TOTAL - -	343	157	254	103	77	380	50	442	-	-	1,806

[illegible]

WHENCE EMIGRATING.	T O B A G O.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Sierra Leone - - -	46	-	-	-	-	-	-	-	-	-	46
St. Helena - - -	246	-	-	-	-	-	225	-	-	-	471
TOTAL -	292	-	-	-	-	-	225	-	-	-	517

WHENCE EMIGRATING.	B A H A M A S.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
From Wrecked Slaver -	-	-	-	-	389	-	-	-	-	-	389
TOTAL - -	-	-	-	-	389	-	-	-	-	-	389

[illegible]

Immigrants and Liberated Africans introduced into the *West India Colonies, &c.*—*continued.*

WHENCE EMIGRATING.	TOTAL TO WEST INDIES.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Great Britain -	34	-	1	-	-	-	-	-	-	-	35
Madeira - -	23,156	499	1,853	1,048	608	124	88	410	-	13	27,799
Cape de Verds -	961	184	53	-	-	-	-	-	-	-	1,198
Azores - - -	164	-	-	-	-	-	-	-	-	-	164
Sierra Leone -	11,543	-	-	-	226	390	-	223	-	-	12,382
Kroo Coast - -	381	-	-	-	-	-	-	-	-	-	381
St. Helena - -	9,125	-	311	4	1,328	540	1,641	1,093	390	42	14,474
East Indies - -	37,849	4,293	3,850	8,021	8,505	8,393	10,934	4,696	3,659	5,975	96,175
China - - -	2,107	-	-	699	1,942	3,365	3,057	496	509	2,758	14,933
Canada - - -	145	-	-	-	-	-	-	-	-	-	145
United States -	70	-	-	-	-	-	-	-	-	-	70
British West Indies	6,366	-	68	26	-	-	-	1,074	4,297	2,126	13,957
Havannah - -	347	-	-	-	-	-	-	-	-	-	347
Saba - - -	23	-	-	-	-	-	-	-	-	-	23
Surinam - - -	31	-	-	-	-	-	-	-	-	-	31
Rio de Janeiro -	1,320	-	-	-	-	-	-	-	-	-	1,320
Martinique } Guadaloupe }	367	-	-	-	-	-	-	-	-	-	367
Direct from captured and wrecked Slavers.	230	362	-	-	389	-	-	-	-	-	981
TOTAL - -	94,219	5,338	6,136	9,798	12,998	12,812	15,720	7,992	8,855	10,914	184,782

WHENCE EMIGRATING.	MAURITIUS.										
	1843 to 1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	TOTAL.
Ibo, East Coast of Africa.	325	-	-	-	-	-	-	-	-	-	325
Madagascar - -	39	-	-	-	-	-	-	-	-	-	39
Aden - - -	632	-	-	-	-	-	-	-	-	-	632
East Indies - -	173,141	12,725	29,946	44,397	13,286	13,985	9,893	5,254	7,575	20,278	330,480
China - - -	843	-	-	-	-	-	-	-	-	-	843
Direct from captured Slaver.	-	-	-	-	730	*368	†199	-	-	-	1,497
TOTAL - -	174,980	12,725	29,946	44,397	14,016	14,553	10,092	5,254	7,575	20,278	333,816

* 202 of these were landed in the Seychelles.

† Landed in the Seychelles.

Government Emigration Board,
8, Park-street, Westminster,
24 March 1866.

S. Walcott.

RETURN showing the Number of IMMIGRANTS and LIBERATED AFRICANS who have RETURNED to their own COUNTRIES from the *British West India Colonies and Mauritius*, and (as far as can be ascertained) the Amount of EARNINGS remitted through Government Agency in their Behalf, from 1843 to 1865.

YEAR.	From JAMAICA.		From BRITISH GUIANA.		From TRINIDAD.		From MAURITIUS.	
	Number.	Amount of Earnings.	Number.	Amount of Earnings.	Number.	Amount of Earnings.	Number.	Amount of Earnings.
		£. s. d.		£. s. d.		£. s. d.		
1843 to 1856	1,644	(a) 3,000 - -	(b) 3,283	(c) 25,474 19 2	1,675	23,561 10 10	46,066	
1857 - -	-	- - -	595	10,963 1 3	343	6,392 19 7	4,593	
1858 - -	126	No Return -	323	5,705 10 11	359	5,829 18 11	8,165	
1859 - -	-	- - -	797	15,018 12 8	-	- - -	5,118	
1860 - -	-	- - -	-	- - -	-	- - -	2,833	
1861 - -	74	No Return -	-	- - -	303	4,076 13 8	3,257	No Returns.
1862 - -	-	- - -	{ 407	(d) 8,983 15 -	-	- - -	{ 2,212	
			{ 7	(e) 403 6 8	-	- - -		
1863 - -	-	- - -	-	- - -	-	- - -	3,221	
1864 - -	-	- - -	467	(f) 13,939 7 9	-	- - -	3,413	
1865 - -	-	- - -	462	(g) 11,485 4 2	514	(h) 14,000 - -	3,621	
TOTAL - -	1,844	3,000 - -	6,341	91,973 17 7	3,194	53,861 3 -	82,499	-

(a) This is for two ships only, carrying 588 passengers. No returns for the other vessels.

(b) In regard to 1,308 passengers of this number there are no returns of money deposited with the Government authorities, or of the sums they had in their possession on embarkation for their own countries.

(c) In this amount are included the sums, so far as known, deposited by the passengers with the captains of the vessels in which they embarked.

(d) In addition to this amount, which was deposited with the Government Immigration Agent, that officer estimates that the savings of these Coolies could not be less than 15,000*l.*, including the value of the jewels and money which they took back with them, and the cost of the passages and clothing (1,445*l.* 8*s.* 4*d.*) of such of them as were not entitled to free return passages.

(e) Besides this amount, these people paid for their own passages back to India *via* England.

(f) In this amount is included 1,000*l.*, the estimated value of the jewels on the immigrants, and a Bill of Exchange for 494*l.* 15*s.* 10*d.*, which one of the Coolies took with him.

(g) This includes 250*l.*, the estimated value of the jewels on the immigrants.

(h) This amount consisted of—Money deposited in Colonial Chest - - - 9,700 - -
Specie in possession of immigrants - - - 2,701 3 7
Estimated value of jewels and undeclared specie - 2,598 16 5

£. 14,000 - -

In addition to this sum 77 people paid their own passages at the rate of 11*l.* 19*s.* 9*d.* per adult, amounting to 911*l.* 1*s.*

Government Emigration Board,
8, Park-street, Westminster,
24 March 1866.

S. Walcott.

IMMIGRANTS AND LIBERATED AFRICANS.

RETURN, showing the Number of IMMIGRANTS and LIBERATED AFRICANS admitted into each of the *British West India Colonies*, and *Mauritius*, as well as the Places from whence they were introduced, from the Year 1843 to the end of the Year 1866, and in each Year since the 1st January 1867, to the end of the Year 1865; &c.

(*Mr. Moffatt.*)

*Ordered, by The House of Commons, to be Printed,
10 April 1866.*

167.

Under 103.

JAPANESE CURRENCY.

RETURN to an Order of the Honourable The House of Commons,
dated 7 August 1866;—for,

COPIES “of REPORTS made by the late Mr. *Arbuthnot* to the Lords of the Treasury on the subject of JAPANESE CURRENCY, and dated respectively December 24th, 1862; February 18th, 1863; May 28th, 1863; and December 2nd, 1863 :”

“And, of any MEMORANDA or other DOCUMENTS referred to and enclosed in the above-mentioned REPORTS.”

Treasury Chambers, }
10 August 1866. }

GEORGE WARD HUNT.

REPORT ON JAPANESE CURRENCY.

My Lords,

Treasury Chambers, 24 December 1862.

IN pursuance of your Lordships' directions, I have communicated with Sir Rutherford Alcock on the subject of the currency of Japan.

In the absence of other instructions as to the object and scope of the inquiry committed to me, I have inferred that Mr. Hammond's letter of the 23d June last must be taken as the indication of the nature of the investigation required by Her Majesty's Government. In that letter it is stated that, when the Japanese Ambassadors were in this country, they were desirous of entering into the question of some modification of their currency, which might meet the concurrence of the Foreign Treaty Powers; but that, as this was likely seriously to affect foreign merchants in Japan and their commercial transactions, Earl Russell declined any discussion of details, and stated that he would consult the Treasury.

It would, no doubt, have been undesirable to have entered into negotiation with the Japanese Ambassadors, with the object of any alteration of existing arrangements, in the absence of Her Majesty's Minister at the Court of Japan; but for the purpose of preliminary investigation, in a question involving many points of novelty and difficulty, much information might have been afforded by the Ambassadors calculated to aid Her Majesty's Government in arriving, in concert with Sir Rutherford Alcock, at a sound decision as to the course which should be followed.

It is true that the Japanese Government have fully communicated to Her Majesty's Minister the alterations which they now propose in their coinage; but there are still many points of detail and practice on which it would have been desirable to have elicited information by personal inquiry; and it is possible, that if the Japanese Ambassadors had been put in direct communication with the Master of the Mint and other authorities in England, some prejudices might have been removed from their minds which may still tend to obstruct a satisfactory settlement of the question.

We are dealing with a people who have for more than two centuries conducted their concerns on restrictive principles. On matters of trade and currency they no doubt obtained much information regarding European practice from their intercourse with the Dutch; but that information had probably been sought with reference only to their own wants, and the result was the adoption of an artificial system not easily understood by Europeans. But we found them, unlike the Chinese, with a carefully devised scheme of coinage, presenting, indeed, anomalies, when regarded from an European point of view, but apparently well adapted to their domestic wants; and their coins were found on assay in London to be well manufactured, and to possess much greater uniformity than is usually met with in the money of Eastern countries. This system has been shaken to

its centre by the Treaty of 1858, and Her Majesty's Government have been lately invited by the Japanese Ambassadors to consider the consequences of that Treaty, with a view to the adoption of new arrangements which might meet with the concurrence of the Treaty Powers.

Whatever may be the history of past transactions, whatever questionable acts may have been practised in Japan with the object of evading or remedying the consequences of the Treaty, the proposition of the Ambassadors appears to be in itself a fair one, and I think that I can show reasons why it ought to receive the prompt and serious consideration of Her Majesty's Government.

I offer these observations in the outset, because I have been led to form conclusions unfavourable to the conditions of Article X. in the Treaty, and at variance, I fear, with the opinions of many who, from local information and experience, may reasonably claim to have had better opportunities than I can pretend to of forming a sound judgment on the question. But although on this account I offer my opinions with diffidence, I feel it to be no less incumbent upon me to communicate them without reserve to your Lordships, and to state, as clearly as I can, the reasons on which they are founded.

I considered it right to state freely to Sir Rutherford Alcock the doubts which had struck my mind, not only because it was fair to him personally to give him the opportunity of explaining proceedings for which he may have been in some degree responsible, but because, by placing before him the distinct point of view from which I was disposed to regard the question, I might the better test my own impressions, and correct errors into which I might have fallen.

Sir Rutherford Alcock has met with great frankness all my inquiries on the subject; he has afforded me full information derived not only from his personal experience, but from the history of past transactions, and he has been obviously governed in his communications with me by the sole desire of aiding in the adoption of a just conclusion.

The following is a copy of Article X. of the Treaty between Her Majesty and the Tycoon of Japan, dated 26th August 1858:

"All foreign coin shall be current in Japan, and shall pass for its corresponding weight in Japanese coin of the same description.

"British and Japanese subjects may freely use foreign or Japanese coin in making payments to each other.

"As some time will elapse before the Japanese will become acquainted with the value of foreign coin, the Japanese Government will, for the period of one year after the opening of each port, furnish British subjects with Japanese coin in exchange for theirs, equal weights being given, and no discount taken for re-coinage.

"Coins of all descriptions (with the exception of Japanese copper coin), as well as foreign gold and silver uncoined, may be exported from Japan."

In order to form some estimate, which at best must be an imperfect one, of the motives which led the negotiators to enter into this singular engagement, it is necessary to advert to the previous transactions between the representatives of the United States and the Japanese.

It appears that during the negotiations in 1854 for the first Treaty of Commerce between the United States and Japan, a question was raised regarding the value at which American coins should be received in payment for goods and supplies. In Hildreth's work on Japan (published in London in 1856), in which these negotiations are related, a description is given of the condition of the currency of that country, from which it clearly appears that the silver coins were over-valued in relation both to the gold and copper money, and that this fact was known to both parties to the treaty. An endeavour was made by the representatives of the United States to obtain a recognition of their silver coin as of equal nominal value with the silver coin of Japan; but it is stated by the narrator that "the Japanese Commissioners insisted that our (that is, American) coin was but bullion to them, the effect of which is to put our silver dollar, so far as payments in Japan are concerned, on a level with their silver inchebu, which weighs only one-third as much." I cannot refrain from observing here that, in my opinion, the Japanese Commissioners showed a more correct appreciation of the question at issue than their American opponents, and that the argument of the latter involves one of those numerous fallacies which perplex discussions regarding value and prices.

I shall

I shall have occasion before I conclude to advert to this point more particularly; but when I find that the ignorance and perverseness of the Japanese in their treatment of this question are freely commented upon, it is fair to call attention to the circumstance that, in the outset of the discussions, they had the best of the argument. It is to be regretted that they did not resolutely act up to the opinions which they then expressed. If they had done so, much trouble would have been saved and much injury averted.

I am unacquainted with the proceedings or representations which led the Government of Japan at last to give way on this important point; but Mr. Harris, the representative of the United States, who renewed negotiations in the winter of 1857, succeeded in obtaining the concession which was afterwards embodied in the Treaty concluded by the Earl of Elgin in 1858. I understand that the stipulation in Article X. is the counterpart of a clause in the Treaty concluded with the Government of the United States in July 1858; and it is probable that it was adopted by Her Majesty's Representative, without much investigation, merely on the ground that the point had been conceded to another power.

But whatever may be the history of the transaction; whatever opinion may be formed of the abstract policy of the arrangement, it would only have been reasonable that, when the Japanese were required to consent to so unusual an engagement as that of allowing all foreign coin to pass current in their country, some pains should have been taken to ascertain the working of their currency system, and to fix by careful regulations the conditions on which foreign coin should be received in exchange for, or pass current simultaneously with it. There is in the Treaty an absence of precautions of this nature. It is roughly provided that "foreign coin shall pass for its corresponding weight in Japanese coin of the same description." It was probably intended by the negotiators that coins of gold and silver should be exchanged respectively for coins of the same metal of equivalent weight and purity; but weight only is referred to in the Treaty. No inquiry appears to have been made regarding the relation which the silver coins of Japan bore to their gold and copper coins, or to the effects of that relation on nominal prices. The neglect to ascertain this point, and to provide for it, has been productive of much evil.

It would be considered preposterous if the Government of France should propose that French silver coins, which represent in exchange a value corresponding with their contents of precious metal, should be allowed to pass current in this country, weight for weight, with our silver token coins, and should be exchangeable for them, so as to allow of shillings being obtained by the tender of an equal weight of five-franc pieces, and then being exchanged at their nominal value for sovereigns. It would be obvious that the French would gain by such a transaction the difference, amounting to from 8 to 10 per cent., between the nominal current value of our shillings and the actual value of silver contained in them. Opposed, however, to international principles as such a contract would appear in the case of two European nations, the supposed case in effect represents the character of the engagement which has been enforced on the Japanese, with the difference only that the anomaly is far greater in degree and far more injurious in its results.

In order to elucidate this question I have obtained from the Master of the Mint an assay of the coins current in Japan at the date of the Treaty, and subsequently issued (of which specimens were furnished to me by Sir Rutherford Alcock); and I annex a full report from him on the subject, accompanied by a Memorandum from Messrs. Mocatta and Goldsmid.

For the immediate object, it is only necessary to refer to the three principal coins in use when the Treaty was passed, which were:—

The gold cobang, worth by assay 18*s.* 4½*d.* in British money;

The silver itzeboe, worth intrinsically about 1*s.* 4½*d.* in British money, but representing by the Mint Law of Japan one-fourth of the cobang;

Copper cash, passing at its intrinsic value of about 6,400 in reference to the cobang, but passing at an average rate of 1,600 to the itzeboe, that rate varying from day to day according to the price of silver.

It will be seen on a comparison of the assay that silver bore in the currency of Japan the relation to gold of hardly 5 to 1, and was overvalued therefore to the extent of two-thirds above the average proportion (*viz.*, 15½ to 1) which silver bullion bears to gold in the general market of the world.

The silver money of Japan thus consisted of token coins greatly overrated in

reference to their contents of precious metal, and represented in exchange the value of proportions of the two extremes of gold and copper coins which were current for their worth in metal. The Government, from the control which they possessed over the gold and silver mines, had the power of regulating the supply. This power, together with their peculiar system of government which enters into the concerns of daily life, enabled them to adjust the balance between the token silver coins and the two concurrent measures of value—gold and copper. Although the gold circulation afforded the real ultimate test of the current value of the silver coins, the use of the gold coins was restricted, and copper cash, the medium of exchange, appears to have been popularly estimated according to its relation to the silver currency, without much thought of the fundamental source of value.

We find, then, the existence of a highly artificial system of circulation, dependent on the regulation of the Government, which it would hardly be possible to maintain in any country except Japan, and there only by the force of its peculiar institutions.

With justice, the Japanese Commissioners contended with the negotiators of the United States, in 1854, that the silver dollar ought not to be admitted into circulation in their country weight for weight with their silver token coins; and the expression that "the American dollar was but bullion to them," hit with precision the point at issue. It meant that the dollar bore, in exchange in Japan, no more than the value of the silver which it contained; whereas the silver itzeboe bore a value not its own, but derived and representative. The truth of this proposition is self-evident.

If proof were wanting of the fact that the itzeboe was merely a token coin, and that the discordance between the rating of the silver coins relatively to gold did not arise from any real difference of the comparative value of the precious metals in Japan from that prevailing in the rest of the world, it would be afforded by the fact that silver bullion in Japan was much cheaper than the silver coin; that is, that silver as an article of merchandise would not sell for anything approaching to its weight in silver coin. I am informed, by Sir Rutherford Alcock, that the weight of manufactured articles of silver has exceeded double the weight of silver coins paid for them, though the charge of manufacture was of course included in the cost price.

The consequences of the Treaty were soon felt. It was ascertained that one Mexican dollar was about equal, in metallic value, to three itzeboes. The comparison may have been made by a rough estimate by weight; but the assay proves that the comparison of the relative intrinsic value of these coins was nearly correct. Foreign merchants were therefore entitled, under the Treaty, to demand three itzeboes in exchange for a dollar, and as, by the same Treaty, permission was given for the free export of gold and silver, the gold coins of Japan could be obtained, at the mint price, for the itzeboes thus acquired. The gold cobang was worth, in round numbers, about four silver dollars; but twelve itzeboes could be obtained for four dollars, and as itzeboes were, by law, current at the rate of only four to the cobang, the gold was obtained by a payment equivalent to about one-third of its real value. It is needless to add that the gold coins of Japan fast disappeared under these transactions. Is it surprising that the Japanese should complain that they were robbed of their gold under the Treaty? Can it be alleged that the complaint was unfounded?

If, however, the negotiators of the Treaty are responsible, though in a secondary degree only, for the obnoxious clause, it is at least satisfactory to find that every effort was made by Her Majesty's Representatives at the Court of Japan to prevent or mitigate the results which I have described in its practical operation. Sir Rutherford Alcock, immediately on the assumption of the duties of his former office of Consul General at Japan, pointed out to the Government of the Tycoon the inevitable consequences of the arrangement, if the conditions of their currency should be left unaltered, and urged them to take measures for protecting their gold, by amending the proportions of precious metal in their gold and silver money. The British Ministers and Consuls were, however, in truth, placed in a situation of great difficulty. They were bound to assert the principles of the Treaty for the benefit of our traders; and, though in good faith they were equally bound to guard the Japanese against deception, it was difficult to guide a people who had fallen into a trap with their eyes open, and trusted, probably, to their own ingenuity to avoid the consequences.

The first step taken by the Japanese was an unfortunate one. I am disposed to agree in the opinion which has been expressed by Sir Rutherford Alcock, that this step was contemplated at the time that they assented to the stipulation embodied in Article X. I cannot otherwise understand how they could have been brought to agree to it, after they showed in the discussions of 1854 so clear an apprehension of the principles of value and exchange. They may have thought that, as they had the power of regulating the circulation of the country, when its uses were confined to their internal concerns, they might exercise the same secret power in controlling the employment of foreign coins; but, if these were their views, they were outwitted by the wider practical experience of the European and American merchants with whom they were newly brought into contact.

The measure which they adopted was to coin new silver pieces, bearing the denomination of half an itzeboe, but containing more silver, to the extent of one-half, than the old itzeboe piece. If these new coins had been issued for *bond fide* use in general circulation, the effect would have been to have raised the intrinsic value of the itzeboe to an equality with its nominal value in exchange. One dollar would have then represented the equivalent of one itzeboe, and each would have been current at the rate of four to the cobang. The discrepancy between foreign and Japanese silver coins would have thus been adjusted, and the conditions of the Treaty, and what I take to have been its intention, would have been observed.

But the Government of the Tycoon had a different aim. Their intention was that the new coin should be employed only for the purpose of trade with foreigners, and they obliged the natives to take to the Mint any that they might receive in payment in order to their being exchanged, not weight for weight, but, according to their denomination of half-itzeboes, for itzeboes of the old coinage. They thought thus to maintain the latter at their nominal value in exchange. The expedient, though crafty, was in fact a clumsy one. A token coinage can only be maintained at a nominal value exceeding its intrinsic value, by a limitation of the quantity in circulation. This may be attained, either by a limitation of the amount for which it shall be a legal tender, or by a restriction upon the issue. But if the Mint of Japan had been thrown open for the coinage of any amount of silver that might have been brought to it, the effect would probably have been the rapid depreciation of their token coins.

It was needless, however, to enter into these speculations. The proceeding involved a clear infraction of the Treaty, since coins issued for a restricted purpose could not properly be classed with "Japanese coin," and British merchants would have had the right to have availed themselves of the coins in general use.

On these grounds, Her Majesty's Representatives remonstrated against the proceeding, and after some negotiation it was abandoned by the Japanese Government.

Foiled in this proceeding, the next measure resorted to by the Government of Japan, was to alter the gold coins, in order to bring them down to a level with the intrinsic value of the silver coins. The cobang has been reduced to less than one-third of its former weight and value.

The itzeboe remains in its old condition, as to weight and contents of silver, but now represents one-fourth of the reduced cobang; and its value in exchange relatively to gold is thus put on a par, weight for weight, with the Mexican dollar.

This measure, however, deranged the former relation which the copper cash bore to the silver coin. I have already offered the only conjecture which I have been enabled to arrive at, from the imperfect information at my command, regarding the principle by which the current value of cash was determined in reference to the itzeboe. If that conjecture is correct, it would seem to follow that the practical effect of the depreciation of the silver coin would have been to have altered the proportion of copper money which would have been exchanged for it, but to have left the purchasing power of the cash unchanged. If, before the alteration of the current value of the itzeboe, 1,600 cash were the equivalent of that coin, 533 would be the equivalent after the current value of the silver had been reduced by two-thirds. The itzeboe would purchase, after the alteration, no more than one-third of the quantity of rice which it formerly purchased, but 1,600 copper cash would purchase the same quantity as before. The singular effect would have been exhibited of the concurrent recognition of these measures

of value—viz., gold, silver, and copper, without regulation as to the latter, and complications might have arisen which it is not easy to define.

Views, however, of a different character, which I do not clearly understand, governed the Japanese. It was supposed that, although the exportation of copper cash was forbidden by the last clause of Article X. of the Treaty, the alteration of the relative value of the gold and silver coins would have created an inducement to buy up copper cash, in the same manner as gold was bought up when the itzeboe was reduced from its factitious to its intrinsic value.

I am unable to follow the reasoning which led to this conclusion; but whatever may have been the motive, the Japanese adopted the measure of withdrawing copper cash from circulation and substituting for it iron cash, which now passes as token money at the rate of 1,500 to the itzeboe. The change has had the effect of maintaining the nominal value of the itzeboe in relation to cash, but has depreciated the purchasing power of cash, equally with the depreciation of the silver coins. The change is thus brought home to every poor man, and affects his dealings.

By these alterations the currency of Japan has been reduced to the following proportions:—

The reduced gold cobang of the value of about 5*s.* 6*d.* in British money;

The itzeboe, representing one-fourth of the reduced cobang, but of the value of 1*s.* 4½*d.*, as before;

Iron cash, of no intrinsic value, passing at the rate of 1,500 to the itzeboe.

I am aware of no other example (unless we revert to barbarous times) of so sudden and violent a rending of the monetary regulations of a country; certainly of none which has been produced by the interference of foreigners. Depreciation of currency, though sometimes rapid, has generally been forewarned and sufficiently gradual to admit of a progressive readjustment of prices, and, to a certain extent, of contracts; but, in the case of Japan, the value of the current money has been at once reduced to one-third of its former rate. And this has been caused by no internal difficulties, but by external pressure for the advantage of foreign merchants.

The inconvenience occasioned by the consequent derangement of money prices, and of contracts expressed in money, must have been immense. It is my duty to call the particular attention of your Lordships to one example of the consequence of the disturbance of wages, which has a political bearing of great moment, and may seriously affect our future relations with the Japanese. The Daimios have in their service large bodies of retainers, who in addition to their food and clothing, receive a very small allowance paid in itzeboes. The allowance may have been barely sufficient for the support of the families of these people before the depreciation of the currency. It will now buy in the market only one-third of the commodities which it formerly commanded. The discontent and irritation created in the mind of this class is intense. The Daimios, whose pecuniary interests are affected by the introduction of free trade with foreigners, have no motive, even if they have the means, of allaying this discontent by raising the wages of their retainers; and it is rather to be feared that they would be glad to have about them followers no less incensed against foreigners than themselves.

The Japanese Government appear to be impressed with the necessity of taking measures for the purpose of allaying this discontent. The change which they now propose in their currency is suggested with that object, and the motive, if truly expressed, is as much in our interest as theirs. The proposition which they have made to Her Majesty's Minister at Japan, and which I conclude was that which the Japanese Ambassadors wished to submit to Her Majesty's Government, is that they should be at liberty (such, I am told, is the submissive mode in which the proposition is made) to withdraw the present silver coinage, and substitute for it pieces to be denominated "half-itzeboes," two to the dollar in weight. The natural effect of this arrangement would be, that two half-itzeboes would be equal in weight to three itzeboes of the present coinage; and the two coins would represent the itzeboe in the denomination of account. The purchasing power of the itzeboe would thus be raised to an equality with that of the dollar, unless other causes operated to prevent the recognition of the dollar, as a tender of payment, on an equality, weight for weight, with Japanese coins. If 1,500 iron cash continued to represent the nominal value of one itzeboe, the purchasing

purchasing power of the cash would be raised equally with the value of the itzeboe. Consequently the nominal value of the dollar expressed in the term "cash," would be reduced two-thirds; but its real value in relation to cash would remain unchanged, as the purchasing power of 1,500 cash would be the same as that now possessed by 4,500 cash, representing the present value of three itzeboes.

I enter into these details because the proposal of the Japanese Government appears to have met with objection on the ground that the dollar would be exchangeable for no more than one-third of the quantity of cash for which it is now exchangeable, and that its purchasing power would thus be reduced by the change to the extent of 60 or 70 per cent. The objection appears to me to be founded on a confusion between the real value of coins, derived from intrinsic contents of precious metal, and the nominal value of token coins representing parts of the standard money.

I am anxious to keep this point clear, because I am satisfied that, if the value of the dollar in exchange should be reduced in comparison with the itzeboe (and some change in this direction is already perceptible), it will be found to arise from inherent defects in Article X. of the Treaty, to which I shall have presently to advert, and not to any effects which could be properly attributed to the proposed regulation of the Japanese currency.

Whether my reasoning, however, be correct or not, I can see no ground on which Her Majesty's Government can claim a right to object to the present proposition of the Japanese Government on the ground of its involving an infraction of Article X. in the Treaty. The stipulation of that Article is that all foreign coin shall pass for its corresponding weight in Japanese coin of the same description. If this stipulation is adhered to, the Tycoon is at liberty, I apprehend, to regulate the designation and weight of the coins current in his dominions as he pleases.

But, although the right of objecting to the proposition, in virtue of the Treaty, can hardly, I think, be asserted, the manner in which it is brought forward, and the serious considerations affecting our international relations with Japan which the currency question has raised, would, I think, point to the policy of co-operation with the Government of the Tycoon in their attempt to remedy the evils which originated in our interference.

I suggest that Her Majesty's Government should not oppose the arrangements suggested for the readjustment of their silver currency, but that it would be right to point out to them that if the silver currency be raised in value without a corresponding increase in the value of the gold currency, the gold would become the overvalued medium of exchange, and the reverse of the operation which has caused so much disturbance in the monetary concerns of Japan would ensue, and lead to renewed embarrassment.

The suggestion, however, of a readjustment of the comparative relations of silver and gold in the currency of Japan leads to a very difficult question. It is not of equal urgency, as regards our relations with the Japanese under the Treaty, with the immediate subject of the regulation of the silver currency, with which I have dealt in the preceding part of my Report; but it is one which, after the experience afforded of the readiness of European and American traders to turn mistakes to their profit, ought not, I think, to be left to the dominion of chance.

What is usually termed a double standard of value is in fact a contradiction of terms. A standard is "a weight or measure of undoubted authority by which others are adjusted." The currency of a country cannot be adjusted to two standards varying in relation to one another; and it has been found in practice that attempts to apportion the quantity of gold and silver in coins for concurrent circulation have ended in a transition from one standard to the other. When the relation of the two descriptions of coins is nearly balanced, such transitions may take place without material inconvenience; but, owing to the uncertain condition of the bullion market from the great variations which have occurred of late years in the relative value of the precious metals, the present would be a very unfavourable time for any attempt to regulate the concurrent circulation of gold and silver as legal tenders of payment. This objection applies more strongly to the East than to European and American countries, because the fluctuations in the bullion market have arisen from varying demands for silver for remittance to India, China, and Japan, and the relative prices of the two metals are immediately subject to the laws of supply and demand, rather than to the permanent laws of value. These casual effects, arising from an abnormal

condition of trade, are felt more strongly in the countries in which the demand arises than in the sources of supply, and, while they continue, the relative prices of the precious metals will never correspond in the East with those prevailing in Europe, and the fluctuations in their value will be more considerable. If, therefore, it were proposed to establish in Japan a system of gold and silver coinage founded on the assumed relation which the dollar now bears to the gold cobang, circumstances might in a short time disturb that relation, and confusion of the currency would ensue.

On these grounds, it appears to me that it would be advisable to recommend to the Japanese Government that they should regulate their currency on the basis of a single measure of value, adopting either gold or silver as the standard.

If gold be adopted as the standard, the former relation of the itzeboe to the cobang, as a token silver coin, should be restored, and the gold coins should be recognised as the legal tender of payment by which the exchanges with other countries would be regulated.

If silver be adopted as the standard of value, the new regulation of the silver coinage which has been proposed by the Japanese Government should, in my opinion, be assented to, and the use of gold coins should be confined to such purposes, and be regulated relatively to the silver coins in circulation in such manner, as the Tycoon may from time to time direct.

I venture, in conclusion, to suggest that the settlement of the currency question of Japan should be undertaken in the spirit of acknowledgment of past error, with the view only of what is just to the Japanese; but if the suggestions which I have submitted to your Lordships be worthy of consideration, they would involve a modification of the Treaty, in which it would be necessary, or at least desirable, to obtain the concurrence of the other Powers with which the Tycoon has entered into like engagements. In this view it would, I think, be right to require from the Japanese that any alteration of their coinage which may be at variance with the strict engagements of the Treaty should be accompanied by such measures as will ensure the establishment of a sound and free system of currency. If that be secured, the interests of trade will be sufficiently provided for.

The real claims of foreign merchants at Japan, and their commercial interests, cannot be affected by a proper regulation of the currency of a country with which they trade. If foreign money is wanted for the settlement of their transactions, it will find its way; but I regard the attempt to force foreign money upon the Japanese by compact in a Treaty to have shown a disregard (to say nothing of other considerations) of the maxims of political economy. Japan is rich in mineral productions, and to require them to take silver, of which they have already an abundance, in exchange for other produce, such as silk and tea, which our merchants want, is a one-sided operation which violates the true principles of commerce, namely, exchange by barter. The proper use of the precious metals in international transactions is to adjust the balance of exchanges. This principle can never be disregarded without inconvenience; but in the case of Japan the attempt to contravene it may, I fear, lead to very serious results, the reverse of those which were anticipated from the Treaty.

A remarkable rise in the price of Mexican dollars has lately been observed in the London market. It is occasioned by extraordinary demands for that coin for use in the new markets opened in China and Japan. The greater part of the dollars sent to China in exchange for tea and silks will be melted into sycee, and dispersed through that vast empire without producing much perceptible effect on prices in the ports to which they are transmitted. The dollars sent to Japan will remain in that circumscribed territory, as there is no vent for their dispersion. The Japanese will not require them for the purchase of commodities from other nations, any more than from the English. The natural consequence would be, either the cutting off of a source of industry and profit by an enforced cessation of labour in the silver mines, or a glut of that metal in Japan, and a rise in prices until they reach a point at which it will be no longer profitable for the British merchant to transmit dollars for the purchase of Japanese produce.

These effects may, however, be counteracted to some extent by the difficulty of procuring Mexican dollars in sufficient quantity for the new markets in which they are exclusively used, and the position held by these coins in commercial dealings in the East deserves particular attention in reference to the Japanese currency question. They have recently taken the place formerly occupied by the

old Carolus dollar. The demand for them has led to a rise in their price far exceeding the value of the silver contained in them. According to the present price of standard silver in London, the value of the dollar should be little more than 4 s. 4 d., as shown in the accompanying paper from Messrs. Mocatta and Goldsmid. Recently they bore at Hong Kong the price of 4 s. 11 d. each, and it is probable that, if there were any measure of exchange by which they could be tested at Japan, their current value there would be found to exceed 5 s. This abnormal valuation of a particular coin must interfere with any project for the concurrent circulation of foreign and Japanese coins according to the weight of metal contained in each. If one bears a value in exchange exceeding the value of fine silver contained in it, some compensation will probably be found for the difference. The over-valuation of the itzeboe gave way under the circumstances above referred to. The over-valuation of the Mexican dollar has led to an adjustment of its relation to the itzeboe, which appears to have obtained recognition in mercantile transactions. It seems that, according to the present coinage of Japan, 311 itzeboes contain the same quantity of precious metal as 100 Mexican dollars; but it is said that "in mercantile currency 230 itzeboes only are considered the equivalent of 100 dollars." Anomalies like these must arise from an arbitrary preference for particular coins, and the stipulations of treaties will never prevent those conventional adjustments which the instincts of commerce require.

The true remedy is to substitute natural measures for unusual engagements, which are potent for trouble, but impotent for regulation. The stipulation that the Japanese should receive foreign coins in exchange for their produce cannot be enforced. Commerce cannot be carried on by compulsion. Even in the narrow view of the immediate objects of the trade with Japan, it would be better for all parties that the complications arising from the comparison of one coin with another should be abandoned, and that the Japanese should be invited to adopt the only course consistent with free commerce, namely, the establishment of a free mint, open for the coinage of bullion at a charge sufficient to cover the cost of coinage.

The evils arising from hasty and injudicious attempts to enforce commerce with the Japanese into premature activity, by engagements inconsistent with the proper control of their Government over the currency of the country are so patent that it can hardly be anticipated that the other Powers will refuse to join the British Government in the attempt to procure a satisfactory settlement of the question.

I do not think that these considerations have hitherto been brought under the notice of Her Majesty's Government. They are worthy of attention, because they open a view of the subject in which certain immediate interests of our traders are opposed to the permanent objects of commerce. Our trade in the East is carried on by commission agents, who have naturally no object beyond that of making purchases in the best manner that they can with a view to their own profit. They have no interest in promoting the introduction of British manufactures in Japan. They are not to blame for these confined views, but I conceive that treaties of amity and commerce should have wider aims.

It is not possible to restrict commercial operations of this character by Government interference; but, at least, they ought not to be fostered and promoted by exceptional measures.

The Lords Commissioners of
Her Majesty's Treasury.

I have, &c.
(signed) *G. Arbuthnot.*

Enclosure 1.

Mr. Graham to Mr. Arbuthnot.

Sir,

Royal Mint, 20 December 1862.

I BEG to transmit herewith a Report of an assay of a series of Japanese gold and silver coins executed in this department. The descriptions in the first column are by Sir Rutherford Alcock, who supplied the pieces assayed.

A memorandum on the Mexican dollar by Messrs. Mocatta and Goldsmid, bullion brokers to the Mint, is also included. It supplies a term for the comparison of the values of the Japanese coins.

The silver itzeboe (No. 5 of Table) is understood to be the principal medium of circulation, and to possess on that account the greatest practical importance. The present specimen weighed (it will be seen) about 0.282 oz. troy, and is a little heavier than another

specimen of the same coin examined by Messrs. Mocatta and Goldsmid, which I am informed weighed 0.277 oz. A small quantity of gold is further reported in our coin, which would not add more than a halfpenny to its value as bullion. For practical purposes this gold may be disregarded, both from its minuteness, and still more so from the circumstance that later itzeboes are known to be manufactured from dollar silver, of which they will retain the composition. This itzeboe contains nine grains of gold in 12-oz. troy (1 lb.), while the Mexican dollar is generally allowed to contain 4 grains of gold in 1 lb.

The silver itzeboe assayed, containing 0.24625 oz. fine silver, will be converted into English standard by the proportion $92.5 : 100 = 0.2662$ oz.

The recent itzeboes, said to be coined of dollar silver, will admit of direct comparison with the Mexican dollar, taking the latter from Messrs. Mocatta and Goldsmid's careful estimate at 0.868 oz.

	Oz.	Ratio.
Average Mexican dollar	0.868	1
Recent itzeboe	0.282	0.3249

The Mexican dollar may be fairly estimated from Messrs. Mocatta and Goldsmid's valuable data as a coin of $\frac{92.5}{1000}$ fineness, and of 0.868 oz. in weight. It therefore represents 0.7834 oz. fine silver, or 0.8469 oz. silver of English standard.

I have, &c.
(signed) *Thos. Graham.*

Enclosure 2.

ASSAY REPORT OF JAPANESE COINS.

DESCRIPTION OF COIN.	Weight of Piece in Oz. Troy.	Weight of Metals.					
		In Oz. Troy.			In 1,000 Parts.		
		Gold.	Silver.	Copper.	Gold.	Silver.	Copper.
GOLD :							
No. 1. Old cobang, with- drawn from circulation after foreign trade began, worth intrinsically some 18 s., but rated at 4 itze- boes.	0.36145	.2042	.1521	.0051	565.1	420.8	14.1
No. 2. New cobang, worth nominally the same (4 itzeboes in silver), but reduced in size and weight to less than one-third of the old cobang.	0.1067	.0618	.0445	.0004	579.0	416.7	4.3
No. 3. A gold coin, repre- senting half a silver itze- boe.	0.02395	.01387	.00903	.00105	579.0	377.1	43.9
No. 4. Silver gilt coin, sup- posed to be gold, and bearing a mint value of 2 itzeboes.	0.09687	.07508	.2179	- -	775.1	224.9	—
SILVER :							
No. 5. Silver itzeboe, cur- rent when the treaties were made, 3 to the ounce and 4 to the old cobang.	0.28177	.00042	.24625	.03510	1.5	874.0	125.5
No. 6. Silver coin repre- senting the Mint value of $\frac{1}{4}$ itzeboe.	0.05937	.00004	.05850	.00083	0.7	985.4	13.9
No. 7. The new silver coin- age, sought to be intro- duced after the ports were opened, containing the same weight of silver as $1\frac{1}{4}$ itzeboes, but called a half-itzeboe, and bear- ing only that Mint value.	0.43854	.00015	.37004	.06835	0.4	843.8	155.8

Enclosure 3.

MEMORANDUM by Messrs. *Mocatta* and *Goldsmid*.

THE Mexican dollars now received here are chiefly of the following Mints:—

MARK.	Weight of 1,000 Dollars.	Range of Quality.	—
	oz.		dwt.
1st. Zs. (Zacatecas) - - - -	867·5	899 to 903	Wo. $5\frac{1}{2}$ to $6\frac{1}{2}$
2nd. Pi. (Potosi) - - - -	868·5	896 to 898	„ $6\frac{1}{2}$ to 7
3rd. Mo. (Mexico) - - - -	868·5	893 to 908	„ 4 to $6\frac{1}{2}$
4th. G. (Guanaxuato) - - - -	868·0	898 to 903	„ $5\frac{1}{2}$ to $6\frac{1}{2}$
5th. GA. (Guadalajara) - - - -	869·0	902 to 907	„ $4\frac{1}{2}$ to $5\frac{1}{2}$
6th. CA. (Chihuahua) - - - -	868·0	902 to 907	„ $4\frac{1}{2}$ to $5\frac{1}{2}$
7th. Do. (Durango) - - - -	866·5	601 to 903	„ 5 to 6

The quality stamped on dollars of all Mints is 10 dwts. 20 grs. = $902\frac{1}{2}$ Wo. $5\frac{1}{2}$ dwts., so that on the average they may be taken as being equal to their nominal “ley,” and the average weight of unworn dollars is 868 oz. per 1,000 dollars.

The silver value of the dollar at the present price of bar silver (61 *d.* per oz. standard) is therefore 52·164 *d.*; but this of course does not represent the actual value, as, in consequence of the premium Mexican dollars bear in China, and their present scarcity, they are now worth 54·684 *d.* each (63 *d.* per oz.)

From the foregoing it will be seen that the irregularity in the weight and quality of the Mexican dollar is not nearly so great as appears to have been the case at the time the American work from which an extract is given was published.

The new Spanish (Isabella) dollar cannot be taken as equivalent to the Mexican dollar, the weight being only 833·5 oz. to 834 oz. per 1,000 dollars, and the quality 899 to 900 Wo. $6\frac{1}{2}$ dwts. to 6 dwts.

The Japanese itzeboe is now made from the Mexican dollar in the proportion of 311 itzeboes to 100 Mexican dollars, but the mercantile currency in Japan is only 230 per 100 dollars. The weight of the piece is 0·277 oz., and the quality is of course the same as the dollar. Formerly it would seem that they were made from sycee silver, and previously to that of silver, probably native, containing a large proportion of gold.

The following are the relative values, &c., of the different pieces:—

	Average Weight.	Quality.	Grains of Gold per lb.	Value per Piece.
	ozs.			s. d.
Old itzeboe - - - -	0·0535	Wo. 54	1,711*	1 $6\frac{13}{100}$
More recent - - - -	0·0277	B. $14\frac{1}{2}$	12	1 $6\frac{84}{100}$
Modern - - - -	0·28177	Wo. $12\frac{1}{2}$	9	1 $4\frac{80}{100}$
New - - - -	0·277	Wo. $5\frac{1}{2}$	4	1 $4\frac{73}{100}$

* Variation considerable.

The above information has been collected from the most reliable sources, but no one appears to have any very certain knowledge on the subject, except with respect to the fact that the new itzeboe is made from the Mexican dollar.

20 December 1862.

SECOND REPORT ON JAPANESE CURRENCY.

My Lords,

Treasury, 18 February 1863.

I THINK it right to bring under the notice of your Lordships some circumstances which have come to my knowledge since the date of my Report of the 24th December last, throwing further light on the present condition of the currency of Japan.

I will first, however, refer to some passages in my former report, the accuracy of which seems open to question.

In the uncertainty which prevails regarding the internal condition of Japan, I had assumed, in accordance with the opinions of others which appeared to be well founded, that both silver and gold abound in Japan. It is beyond dispute that in past times there was a considerable produce of both metals in that country : but I have lately been assured that since the admission of the Chinese to trading privileges in Japan, the operations of that people have had a considerable influence on its currency, and that the silver coinage had been of late made of silver imported from China. This opinion obtains support from the information supplied in the memorandum by Messrs. Mocatta and Goldsmid, appended to my last report, from which it appears that the silver itzeboes were originally coined from native silver, but latterly from sycee silver, and at the present time from the produce of Mexican dollars. It would thus seem that either the yield from the silver mines in Japan had failed, or that it had become more profitable, as a commercial transaction, to obtain the metal by importation rather than by working the mines.

This apparent dependence of the Japanese on foreign imports for the supply of silver does not affect the question of the relation of the coins of that metal to those of gold, to which I called the attention of your Lordships. The over-valuation of the silver coins relatively to gold before the treaty with Japan, their depreciation under the operations of that treaty, the consequent disturbance of the currency, and the injurious results referred to in my former report, are facts which remain undisturbed by the further information communicated to me. But it may, nevertheless, have an important bearing on the measures to be proposed for the future regulation of the currency of Japan : and it tends to a modification of the views which I had before entertained of the impolicy of the stipulations in Article X. of the treaty as regards its commercial effects. A trade carried on by the exchange of silver coin for native products cannot be considered in a sound condition ; but the evil will be less than I had supposed if it should turn out that silver is not now to any considerable extent an article of native produce.

I have been informed that in China the natives have ceased to work their silver mines since the extension, of late years, of their commerce with Europe and America. It has probably been found that the labour formerly employed in working them can be more profitably directed to the production of tea and silk, and that silver can be obtained at a cheaper rate in exchange for those commodities than from their own mines. The same cause may have been indirectly, through the agency of the Chinese, in operation in Japan, and its bearing on the general question deserves consideration.

I wish to correct a passage in my former report, in which I stated that our commission agents in Japan have no interest in promoting the introduction of British manufactures in Japan. I am assured by a respectable and intelligent English merchant trading in that country that this statement is incorrect. He has observed that it would be clearly to their advantage to obtain a commission on goods sold to the Japanese, as well as on the products of the country purchased from them ; and he contends, with force, that as the tendency of our purchases of tea and silk must be to stimulate the production of those articles and to withdraw labour from other pursuits, the demand must arise for the supply, from foreign sources, of wants to which that labour had been directed. These are the natural and beneficial effects of free trade ; and if, as I am told by my informant, the great impulse, which was given by the opening of the ports of Japan to foreigners, to the importation of the products of that country, has already in his own case given rise to demands for goods from Manchester, it may be hoped that our commerce may assume a character of soundness. I had no intention, in referring to a point illustrating an objectionable condition of trade, to cast any imputation on our merchants. It appeared to me that they had no choice in the matter ; but it is satisfactory to learn that some of them at least are governed by more extended views.

I now turn to the subject of the present condition of the currency of Japan.

By Article X. of the treaty it was provided that all foreign coin should pass current in Japan, but that for the period of one year after the opening of each port the Japanese Government should furnish British subjects with Japanese coin

coin in exchange for theirs, equal weights being given and no discount taken for recoinage.

The object of the latter stipulation was to provide a medium of exchange during the time when the Japanese might be supposed to be unacquainted with foreign coins; and it was hoped that at the expiration of the year such coins would obtain currency as they do in China.*

The engagement for the exchange of foreign for Japanese coin thus ceased after the expiration of a year; and since that time the only stipulation in force is that foreign coin should pass current in Japan for its corresponding weight in Japanese coin of the same description.

Anticipating the difficulty which afterwards occurred, Her Majesty's Minister in Japan induced the Government of that country to impress a stamp upon Mexican dollars, denoting their value as the equivalent of three itzeboes. The precaution was taken in vain. The coins bearing this stamp were refused by the Japanese traders, equally with the Mexican dollars which bore no authorised indication of their relative value compared with native coin. It has been alleged, and not without evidence in support of the assertion, that this general refusal of foreign coin was the result of secret mandates of the Japanese Government; but the assertion is not susceptible of direct proof, and it may be contended with plausibility that no treaty engagement can be enforced to the extent of compelling traders to accept coins in exchange for their goods, which are strange to them, and of the value of which they entertain doubts. The prejudices of the Chinese on this subject might be referred to in illustration of the difficulty to be encountered. Decrees of the Emperor of China for the regulation of the currency of the trading ports have proved to be inoperative. The particular dollar to which the Chinese are accustomed alone obtains currency, and, at the present day, the dollar bearing chop marks, which are essential to its circulation at Canton, is not accepted at the northern ports of China, where clean dollars only pass in exchange. Thus, whether from the orders of the Government or from native prejudice, the Mexican dollar has not obtained currency in Japan, and it is clear that no measures can be taken to compel traders to sell their goods for money which they are unwilling to accept. Article X. of the treaty is now, in effect, inoperative.

Her Majesty's servants, on the discovery of this fact, found themselves in the position of possessing money without the power of using it for the supply of their daily wants. Sir Rutherford Alcock in this emergency resorted to the only expedient which seemed open to him. He represented to the Government of the Tycoon that unless the means were afforded to the Diplomatic and Consular Establishments of using the dollars in which their salaries were paid for purchases in the bazaar, the mission could not remain in the country; and he proposed that, pending a reference to the Home Government, the officers of the establishments, including those of his foreign colleagues, should be allowed to exchange dollars at the Mint for itzeboes, at a rate which should cover the cost of coinage. In making this proposal he gave a statement of the aggregate amount of the salaries of the British Legation and Consular Establishment, as defining the limit within which the exchange of dollars for Japanese coin should be confined. The Japanese Government assented to this proposal, and agreed to supply to the diplomatic and consular officers 300 itzeboes in exchange for 100 dollars to the amount proposed. As 311 itzeboes are the equivalent of 100 Mexican dollars,† this rate afforded a mint charge of $3\frac{1}{3}$ per cent.

The same arrangement was extended to the representatives of each of the other treaty powers, who were permitted to exchange for itzeboes the same amount of dollars which was allowed to the British Establishment. That amount was, however, governed, as I have observed above, on a statement of the salaries

actually

* I may here refer to a point which escaped by notice in my former Report.

The Mexican dollar was the coin which was practically in view in these engagements; but so loosely was the Treaty drawn that the exchange of this particular coin for Japanese money was not provided for, British money alone being mentioned. In like manner the coin of the United States was designated in the Treaty of that country with Japan as the money to be exchanged for Japanese coin. If the Government of the Tycoon had been aware of this blot in the agreement they might have resisted the demand for the exchange of Mexican dollars, weight for weight, for their silver itzeboes; and the Treaty would have become a dead letter in respect of the currency stipulation at the very commencement of its operation.

† See the Memorandum of Messrs. Mocatta and Goldsmid, appended to my former report.

actually payable to British functionaries. In the case of other countries the salaries allowed to consuls are much less than those of the British Establishment and in the case of those foreign consuls who are allowed to trade, the difference between their salaries and the amount which they are allowed to draw from the Japanese Mint in exchange for dollars may be employed in mercantile operations, to the prejudice of less favoured competitors in commerce. This, with some justice, is regarded as a grievance by other merchants.

The Japanese having ascertained their power, felt themselves free to make their own terms with foreign merchants. As the mint is no longer open, under the conditions of the treaty, for the exchange of foreign for native coins, the merchants were at the mercy of the native officials, who fixed an arbitrary charge for the re-coining of Mexican dollars. At first 230 itzeboes (instead of the 300 allowed to foreign employés) were given in exchange for 100 dollars. This accounts for the fact obscurely referred to in the memorandum by Messrs. Mocatta and Goldsmid, that "the mercantile currency in Japan is only 230 (itzeboes) per 100 dollars." But it did not long remain at this rate. The Japanese have raised their demands by reducing the number of itzeboes given in exchange for 100 dollars to 210, and latterly to 202.

The effect of this excessive mint charge on the silver coinage has caused a reaction on the relative price of gold, and I am informed that large quantities of the latter metal have been recently imported into Japan by the Chinese, and taken to the mint for coinage into cobangs. I think it not improbable that the proceedings of the Native Government may have been taken with this end in view, and that they may have a settled design of increasing the mint charge for the coinage of silver until the old relation of the itzeboe to the cobang is restored.

Should this be the case a contest of cunning (if I may use the expression) between the Native Government and the foreign traders will soon commence. Already the attempt has been made—with, it is said, partial success—to introduce foreign itzeboes, that is, itzeboes manufactured abroad resembling those issued from the Mint of Japan. The imitation of these coins would not be difficult, but there would be no security for the purity of money surreptitiously manufactured. Both the foreign merchants and the Japanese would be exposed to fraud. Whatever might be the character of the foreign counterfeits, their importation could not remain long undiscovered, and the Japanese would probably attempt to circumvent the operation by introducing new mint marks or devices in their native coin. Distrust and uncertainty would be the result.

These considerations tend to confirm the opinion which I before expressed, that the true remedy for the inconveniences and hindrances to trade which are complained of, would be the establishment of regulations for the issue of coin from the Mint of Japan in exchange for bullion, at a fixed and moderate charge. Commerce with that country cannot be placed on a satisfactory footing until its currency is reduced to a system conforming with the principles by which that of other nations is governed.

The question of the standard of value to be adopted assumes, however, increased importance, as recent information has led me to fear that there will be more difficulty in dealing with the gold coinage than I had supposed. Little attention has been given to this part of the subject by our merchants at Japan. Trade at the ports is carried on by means of silver coins and cash, gold being seldom if ever used at those places as a medium of exchange. It has not unnaturally, therefore, been concluded that the adjustment of the silver coinage of Japan to that of other countries was the simple object to be aimed at. But it is clear from the fact of the purchase of gold coins for export by means of the depreciated itzeboes referred to in my former Report, and of the re-importation of gold for coinage under the present mint arrangements in Japan, that, although the coins of the two metals do not come into concurrent circulation at the ports to which foreign traders have been admitted, there subsists a relation between them which depends on the ordinary principles of value and exchange. It is probable, also, that the gold coins are used for important purposes in the internal trade of the country, to which the silver coinage cannot be readily applied. So great was the inconvenience occasioned by the spoil of gold, that every available expedient was resorted to to supply the want. The metal was picked out of the Japan wares which were formerly richly ornamented by it, and I am told that the gold recently imported has been immediately coined and sent up to the Daimios in the country.

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The uses to which the gold coinage is applied, and perhaps generally restricted, in the singular polity of the country, appear to be unknown to foreigners. It is a point to which inquiry should be directed, because, when we are seeking the reciprocal advantages of trade, the Japanese may well contend that we have no right to demand, without full consideration, the surrender of a system of currency which is adapted to their own wants and may be identified with their institutions.

The Lords Commissioners
of Her Majesty's Treasury.

I have, &c.
(signed) *G. Arbuthnot.*

THIRD REPORT ON JAPANESE CURRENCY.

My Lords,

Treasury Chambers, 28 May 1863.

As the time is at hand for the return of Sir Rutherford Alcock to his mission at the Court of Japan, it may be convenient that I should bring under the notice of your Lordships such further information as I have been able to obtain regarding the condition of the currency of that country, and the conclusions which I am disposed to form on the subject.

If those conclusions should seem to be a little at variance; as regards the course of action to be pursued, with recommendations which I ventured to offer in my former reports, your Lordships will bear in mind that my reasoning was founded on very uncertain data, and that, at best, I could only point to such consequences as would naturally flow from the application of the ordinary principles of monetary science to the facts brought before me. But the circumstances which affect the currency of a country are so various, and the details often so complicated, that a slight suppression or inaccuracy in statements of facts will often disturb speculations apparently well founded; and, if this be the case in reference to countries whose circulation is governed by well-recognized rules, it must be so in a pre-eminent degree in reference to a country whose system of currency is so singular and so little understood as that of Japan.

In considering, also, the proper regulation of the currency of a country, great caution is needed lest, in the attempt to rectify an error, new difficulties may be created. Mercantile transactions so soon adapt themselves to exceptional circumstances, that measures for the reformation of a coinage, however theoretically sound, might, by involving the disturbance of engagements, lead practically to greater evil than that which would arise from acquiescence in an existing system; though faulty in itself.

The British merchants trading in Japan, whom I have had the opportunity of consulting, have given me the results of their own experience, but that experience is, for the most part, confined to their individual commercial transactions, and their information regarding the details of the currency of Japan is often contradictory and generally imperfect. With one remarkable exception, however, they agree in attributing the variations in the value assigned to the dollar to the capricious devices of the Japanese Government or to the interested designs of its officers. I fear that in my last report I may have too readily acquiesced in an assumption so constantly asserted. Recent information leads me to think that the suspicion still requires proof, before it can be recognized as resting on truth.

In a memorandum communicated to me by the late Governor of the Bank of England, of a conversation which he had had with an intelligent French gentleman connected with one of the English houses of business in China which have branches in Japan, it is stated that "in the currency of Japan the itzeboe seems to play about the same part as the tael in China, but in Japan the quantity of itzeboes is not equal to the sudden development of traffic." "The merchants feel themselves aggrieved because in their daily transactions—such, for example, as the paying of workmen and house expenses, butchers, bakers, &c.,—only itzeboes can be paid; or, if dollars are tendered, these people will only take them at the Government rate of 210 itzeboes to 100 Mexican dollars, whereas their intrinsic value is 311 to 100. And this is becoming constantly worse, because the Japanese Mint cannot, or does not, keep pace with the demands upon it, but will only give out to each merchant 10 itzeboes a-day, and the suspicion arises

that the Government is aiming at a profit tantamount to the purchasing of the dollars at two-thirds their intrinsic value."

I give the foregoing passage, as containing a fair exposition of the grievance complained of.

The statement regarding the condition on which itzeboes are supplied to merchants from the Mint, does not agree with other statements made to me regarding the present Mint regulations. Still the fact of a limitation of the supply of itzeboes from the Mint, whatever it may be, at once suggests a doubt whether the suspicion be well founded, that profit is the sole aim of the Japanese Government in their Mint arrangements. Surely if profit alone were in view, a limitation of the exchange of coins would not tend to it. It would be more consistent with analogy and reason to recognise as a fact the inability of the Mint of Japan to keep pace with the demand upon it. It is a fact which, if well founded, tends to throw a new light on the whole question, and suggests a material qualification of previous impressions. It is not reasonable to suppose that the Mint of Japan should be able, more than other mints, to meet an extraordinary pressure.

Even in our own well-regulated currency, occasions not unfrequently arise when the Royal Mint is subjected to demands, almost exceeding its powers, for the supply of coin.

If such be the case in a country where the appliances of credit are carried to a high pitch of refinement, and where gold constitutes the metallic medium of exchange, the liability to similar difficulties would naturally be greater in countries whose circulation is principally metallic, and that consisting of silver, which entails heavier mint operations than gold for the supply of a given value of coin. A remarkable case in point may be referred to. No mints are better conducted than those of India; but in the year 1857 a commercial crisis occurred at Bombay, owing to the inability of the Mint to supply coin with sufficient rapidity to meet extraordinary mercantile requirements. The Mint of Bombay is capable only of coining one and a half lacs of rupees a-day, when working at the highest pressure, whereas the importations were at the rate of three lacs' worth of silver a-day during the middle of the year 1857. The Government of Bombay then resorted to the temporary expedient of extending the period for which bullion certificates were issued by the Mint from 20 to 50 days. The rates of discount, which were on the 11th May 7 per cent. on private bills and 4 per cent. on public bills, progressively rose until, on the 1st July, they reached 12 per cent. on the former, and 9 per cent. on the latter. The pressure continued until the middle of November.

A similar pressure upon the Mint of Bombay was caused in December last by the importation of bullion of the value of no less than 1,500,000 *l.* for payments on account of the purchases of cotton, and the Government have been obliged to adopt extraordinary measures to obviate the difficulties arising from the excessive demand for coinage.

That which has been the cause of exceptional crises at Bombay appears to have become the normal condition of the trading ports at Japan. The new requirements of the foreign trade have occasioned a continued influx of dollars, exceeding, as is alleged by the Government, the powers of the Mint to supply current coin; or perhaps, taking another view of the question, exceeding the quantity of coin which the internal trade of the country could bear without a violent derangement of prices. Dollars are bullion to the Japanese. It is idle now to discuss the question of the admission of foreign coins into circulation under the conditions of the treaty, weight for weight with those of Japan. The imported coins are required principally for the purchase of silk in the interior of the country; and even if by a stretch of aggressive force the receipt of dollars should be established for payments at the trading ports, no foreign power could enforce their circulation in the interior of the country, where they are unknown. If the native dealers at Yokohama were compelled to receive dollars at a fixed rate in payment for their goods, the difficulty of converting them into itzeboes, which now devolves on the foreign merchants, would be transferred to them; and, without doubt, they would obtain compensation for their loss by increasing the nominal prices of their commodities. Thus, even in the daily transactions of the bazaars, it is probably less disadvantageous to the foreign resident that the current value of the dollar, in reference to the itzeboe, should be ascertained and fixed by the mercantile exchange of the time, than that each individual dealer should

should be left to protect himself from anticipated loss in the sale of his goods for a foreign coin. Therefore, in spite of the impressions to the contrary which are entertained by those whose interests are involved in the question, an argument may fairly be raised as to whether, after all, an arrangement which gives immediate currency to the dollar, at a nominal discount, may not be the one best calculated to facilitate the transactions of foreign merchants, which the peculiar conditions of their trade with Japan will allow.

I have said that there is one remarkable exception to the general denunciation of the conduct of the Japanese Government in the matter of the currency. I had lately the opportunity of some conversation with a member of an eminent English firm, on the eve of his return to Japan, where he had conducted business to a recent date from the first opening of the ports. This gentleman has the advantage of understanding the Japanese language, and I found that he possessed more information regarding the institutions and customs of the people than is generally met with. His interests as a trader must be as much involved in the question as those of other merchants in Japan; and when he states that he finds no ground for dissatisfaction in the present arrangements regarding the currency, his opinion may be accepted as that of the representative of an influential portion of the mercantile community. He admits the fact of the inability of the Japanese Mint to keep pace with the demands for coinage, and regards the depreciation of the dollar in reference to the itzeboe, as the natural effect of the state of the mercantile exchanges, which is shown, in the absence of bills of exchange, by the rate assigned to the foreign coin. He states, as the result of his own experience, that in entering into agreements for the purchase of silk, the rate of exchange at which dollars are to be received in payment is settled between the contracting parties, that the transaction is concluded on that basis, and dollars are received by the native dealer in payment. He considers that, under this arrangement, no imposition can be practised, as the native dealer is governed, first, by the consideration of the number of itzeboes which he can obtain for the dollars tendered, and, secondly, by the quantity of silk that he can procure from the interior with advantage to himself in exchange for those itzeboes; and, on the other hand, the European merchant is governed by the simple consideration of the number of dollars that he can afford to pay for the silk. As a consequence of transactions of this description, the circulation of dollars at the ports is governed by the state of the exchanges, and itzeboes can always be obtained for dollars, at the current rate. My informant strongly deprecates interference with a system which has a guarantee for its efficient working in the mutual self-interest of the parties concerned.

In his view, the action of the Japanese Government follows and accommodates itself to that of the mercantile body. It is a view which demands attention, for, although in a country governed like Japan, it is impossible to regard the action of the people as independent of that of their rulers, it is far from improbable that the combined action of the Government and the trading community may be influenced by broader considerations of mercantile policy than is generally supposed.

Yet, regarding the rate allowed for dollars in exchange for itzeboes in the light of a high Mint charge, it does not appear to me that the disadvantages incurred by the foreign merchants are so great as is represented. The effect of a seignorage, or Mint charge, is to raise the current value in exchange of the manufactured coin above the value of its intrinsic contents of precious metal. In India, for example, the Mint charge for the coinage of silver is 2 per cent. The importer receives 98 rupees in exchange for silver of the weight and fineness of 100 rupees. The London merchant, in considering whether it would be most advantageous to export silver to India, or to buy bills of exchange on that country, takes this Mint charge into account in addition to the cost of freight, insurance, and interest. When the real exchange between the two countries is unfavourable to Great Britain, to an extent to render the transmission of bullion subject to these charges profitable, it follows that at the time its value in India is greater than in Europe; and if that transmission and coinage should restore the equilibrium of trade between Great Britain and India, the coined money would circulate in India as the representative of a value exceeding by 2 per cent. the value of uncoined bullion. It must lose this fictitious value, by an alteration in the course of exchange, before it would become profitable to re-export it;

and in consequence of the mint charge, the range of exchange may oscillate to the extent of $\pm 6\%$ ths, on either side of the par of 100, before the other considerations which govern the import and export of the precious metals arise.

These observations are trite; but if they be correct, it would seem to follow that, whatever be the amount of the seignorage or mint charge, the coined money will bear in exchange, at the time of issue, a value equal to that charge above its intrinsic contents of precious metal. In the year 1855 the late Government of Naples tampered with the regulations of the Mint until the charge for coinage was raised to about 10 per cent. These proceedings, from the suddenness and arbitrary manner in which the changes were effected, created intense dissatisfaction. They deranged prices and contracts, and unbinged the internal monetary concerns of the country; but, so far as foreign trade was concerned, the consequences, though injurious at the moment, were temporary. The difficulties were soon overcome by the merchants, who protected themselves by taking into account the altered value of bullion in the Neapolitan currency in negotiating their bills of exchange. If then, a new charge of 10 per cent. could be imposed in Europe, with no more detriment to foreign trade than that which was occasioned by a temporary inconvenience and loss, there seems to be no reason why an imposition of 30 per cent. by the Japanese Government should not be met and provided for in like manner in the calculations of the foreign merchants. Dollars will not be sent to Japan unless profitable use can be made of them; the competition of merchants will tend to keep up the prices of Japanese produce to the limit of reasonable profit, and the natives cannot force them beyond that limit.

The reasons which lead well-ordered Governments to confine charges for coinage within moderate limits, are founded on considerations regarding the risk of degradation, to which a currency must be exposed when it greatly deviates from the sound foundation of intrinsic value. I referred in my last report to the risk of forgery which arises from an excessive mint charge; and it is probable that, in the course of time, when the foreign trade of Japan is developed, and an interchange of products is established, its Government will find the advantage of accommodating its monetary system to the principles by which European trade is governed.

It must, indeed, be admitted that the notion of the mint price of silver being made to vary, as it does in Japan, according to the quantity of specie imported, and the public demand for coinage, is diametrically opposed to what we consider to be the sound principles for the regulation of a coinage. But the circumstances affecting the currency of Japan are peculiar. When an European Government, as in the case of Naples, resorts to the expedient of raising revenue by the sudden and arbitrary imposition of a new mint charge, exceeding the fair cost of coinage, the effect is to disturb an existing monetary system, on the faith of which engagements have been entered into, and, by increasing the value of current money, to injure the interests of debtors. In the case of Japan, the evil to be apprehended is detriment to the interests of creditors by the introduction of a new element into the monetary system of the country, which, by increasing unduly the quantity of circulating medium, and thereby diminishing its value, would raise nominal prices and injuriously affect contracts. The imposition of a high mint charge in that country would not therefore have the effect of disturbing an existing monetary system. It might rather act as a wholesome check on an operation which (apart from all questions regarding the position of privileged classes) might be considered as opposed, in its hasty development, to the true interests of the country at large. The precious metals do not add to the real wealth of a country, except as a means of commerce. By sending silver to Japan, and thereby increasing its circulating medium in advance of the requirements of its internal trade, the country would not be generally enriched. A new distribution of profits would be the only immediate result, and the conflict of the interest of classes, to which even the natural development of foreign trade must tend, might be injuriously accelerated.

There seems to be a great disposition on the part of the bulk of the inhabitants of Japan to cultivate relations of commerce with Europeans. If foreign trade be allowed to take root in the country, it must gradually work a great change in the social habits of the people. Profits will flow into the hands of the industrial classes, and the exclusive privileges of the dominant race will probably be undermined. It is to be hoped that the change may be a beneficial one for the people

people with whom we are thrown into contact, and in that hope only must rest our expectation of permanent benefit to our country from an extension of our commerce; but to bring about these results much patience will be required, and much tolerance of native prejudice. An attempt to force, prematurely, changes in the system of the currency of the country, founded on European views, would, probably, be vain; and after the experience obtained of the working of Article X. in the Treaty, would, doubtless, be regarded with suspicion by the Japanese. It should be borne in mind that in England the simple proposition of the value of 1*l.* sterling was only made clear to the community at large after a warm controversy of many years' standing. We can hardly expect that the Japanese, brought up with different notions, and very expert in their dealings, should become at once impressed with the soundness and disinterestedness of the views of our merchants; and, on the other hand, it is quite clear that we need much information regarding the principles on which the Japanese currency is worked, before we can safely assume the character of advisers in the matter.

It remains, then, only to consider the manner in which the overtures made by the Japanese Government, in which the reference of the question to this Department originated, should be met.

In the course of my conversations with British merchants, I have only met with faint denials of the first consequences of the operation of Article X. in the Treaty, as set forth in my first report. They seem generally disposed to regard the proceedings by which Japan was plundered of its gold as a gone-by matter, not affecting the present condition of the currency. It is to be feared that the impression left on the minds of the Japanese may not be so transitory; and I think that it would be desirable to take the first opportunity of showing the disposition of Her Majesty's Government, in concert with the other Treaty Powers, to deal justly with the Government of the Tycoon.

The prompt relinquishment of the arrangement, referred to in my last report, by which the diplomatic and consular officers are allowed to receive a certain amount of itzeboes from the Mint in exchange for dollars, in the proportion of 300 itzeboes to 100 dollars, would be probably regarded in this light by the Japanese. It is, I understand, only a provisional arrangement renewable every six months, pending the consideration of a final settlement of the currency question; but whatever reasons may have existed for the adoption of this arrangement at the outset, it seems to me, on the grounds on which I have argued the general question, that these officers obtain an advantage, which it is not easy to defend, in obtaining the exchange of their dollars for a value exceeding that afforded by the mercantile exchange. The immediate prejudice to the British and other foreign merchants at Japan from the preference given to trading consuls in the matter is trivial; but it is desirable to remove all ground of complaint, and to place the diplomatic and consular officers in a position above suspicion on the part both of the mercantile body and the Japanese. On these grounds it is desirable that the arrangement should at once be annulled; and I submit that this measure should be taken, in connection with the virtual or avowed abandonment of the provisions in Article X. of the Treaty, without reference to ulterior proceedings for the settlement of the general currency question.

The proposition last made by the Japanese Government, as understood by Sir Rutherford Alcock, is that they should issue, with the concurrence of the Treaty Powers, a new coin of the denomination of the itzeboe,* but containing three times the quantity of silver contained in the present itzeboe, thus raising it intrinsically to the value of the Mexican dollar, and, as a consequence, reducing the gold cobang, which is intrinsically worth four of the present itzeboes, to the altered character of a token coin representing the higher value of four of the proposed new itzeboes.

It is not improbable that the proceedings which have given currency to the dollar at a value ascertained by the mercantile exchange, may have led to an alteration in the views of the Japanese Government, and that the proposition in question may fall to the ground; but it is desirable that Her Majesty's Envoy should be furnished with instructions from the Government regarding the mode in which he should meet official overtures for the settlement of the currency question on the proposed basis, or on any other basis.

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* Or, which comes to the same thing, half-itzeboe pieces, each to contain more silver by one-half than the present itzeboe.

It seems to me to be unadvisable that Her Majesty's Government should commit itself by giving its sanction to the adoption of a system so questionable as the circulation of gold coins as tokens representing a higher value of silver money. It is indeed possible that the Japanese might, by their peculiar regulations, make such a system work for their own purposes; and I do not see upon what grounds, consistent with international law, the Treaty Powers could object to any arrangements which the Government of the Tycoon may adopt with reference to the internal circulation of the country, unless they should be made with the obvious intention of impeding the dealings of foreigners. On the other hand, it would be manifestly impolitic to express concurrence in any measure, the bearings of which are not fully understood, and which might turn out to be covertly framed for purposes inconsistent with the freedom of foreign trade.

A token is the representative in exchange of a given value, which the token itself does not intrinsically possess. Thus the silver and copper coins of the United Kingdom contain a less quantity of metal than is equivalent to the amount of money which they represent in exchange, and pass current, not on the basis of their own intrinsic value, but as representing fractional parts of the pound sterling. Thus also Bank of England notes, which have no intrinsic worth, are legal representatives of multiples of the pound sterling. It will be found, on examination, that the artificial value of both token coins and Bank notes is maintained by the limitation of the amount in circulation. In the case of coins, the limitation is established by restricting the amount for which they are a legal tender of payment, and in the case of Bank notes the limitation is maintained by their convertibility on demand, and by restrictions which prevent the issue of additional notes except in exchange for bullion.

A token circulation consisting of gold representing a larger value, in exchange, than its equivalent in the inferior precious metal, would hardly answer the purposes of convenience for which token coins are usually issued; and so far as European experience can be depended upon, the suggestion would seem to be purposeless, if not unsound. But it does not follow that it would be impracticable in Japan. The feasibility of the scheme would depend on the power which the Japanese Government may possess of limiting the quantity of gold-money which may be put into circulation, and of defining the uses to which it may be applied. An opinion seems to prevail among our merchants, that gold does not constitute an important element in the currency of Japan, and that the interests of the foreign trade are affected only by the condition of the silver coinage. This may be the case; but a close connection between the silver and gold coinage was shown to exist when the gold money was bought up, by means of itzeboes obtained in exchange for dollars; and the whole question, both as regards the condition of the currency and the real intentions of the Japanese Government, is involved in so much obscurity that no sound judgment can yet be formed on the subject.

The copper coinage, or cash, appears to occupy a more important place in the currency system of Japan than I had at first supposed; and attention should be directed to the condition of this subsidiary currency, in the event of any further proposals by the Japanese Government on the general question.

I stated in my first report, on information founded on fair inference, that copper cash circulated in Japan, previously to the Treaty, at its intrinsic value; that, as the consequence of the depreciation of the itzeboe, the copper money had risen in nominal value relatively to the silver coinage; and that, in order to counteract this effect, and prevent the apprehended consequence of the exportation of copper cash, the Japanese Government had withdrawn the copper from circulation, and substituted iron cash for it. Further details which have been communicated to me, though advanced with the object of controverting this statement, tend in the main to prove its correctness.

It is difficult to define the part fulfilled by cash, or "kas," in the circulation of the East. In China it is the only coined money, and as such is used in retail dealings, the payment of wages, &c. It is, therefore, the immediate indicator of prices in the daily transactions of the people. There is, however, a natural limit to its circulation, because the bulk of the metal would prevent its use in large payments. As a representative of value, it holds a very uncertain place in the currency, since copper, as an article of merchandise, is subject to great variations of price; and the value of cash, as coin, further fluctuates relatively to the price
of

of silver, which constitutes the higher medium of exchange in China, and therefore the real measure of value.

Cash, as the common medium of traffic, appears to occupy the same place in the circulation of Japan as in that of China; but a difference is apparent in the principle by which its value in exchange is ascertained in the two countries. In China its value relatively to silver has followed the fluctuations of the mercantile prices of the two metals. In Japan it forms part of an elaborate system of currency, and at the very outset of the negotiations with the Representatives of the United States we find that its value, as money, did not correspond with the cash of China. The question at issue between the representatives of the two countries turned upon the quantity of cash which their silver coins should respectively represent. It was urged by the Americans that, as the dollar was intrinsically worth three itzeboes, it should represent three times the amount of cash for which the latter coin passed current. It was contended, on the other hand, by the Japanese authorities, that the itzeboe represented in their system of currency a value exceeding that which was due to the quantity of silver contained in it, and that as the dollar was equal to only 1,250 of the Chinese cash, the Americans could not with reason object to its being rated at the value of 1,600 cash in the currency of Japan; their cash being, as the Japanese boasted, of superior quality to that of China.

The sequel regarding the silver currency is known, but the effect of the depreciation of the itzeboe upon the copper circulation does not appear to be clearly understood.

It is stated that, although an increased issue of iron cash may have been made recently, the coinage of that metal is by no means a new feature in the currency of Japan, and that, so far from the coinage of copper having been discontinued, a new copper coin, of the value of 96 cash, has been issued, called the "tempo," sixteen of which represent the itzeboe. The depreciated itzeboe, therefore, as it is contended, still represents between 1,500 and 1,600 copper cash, and the dollar represents the quantity of cash which it would bear relatively to the itzeboe at the mercantile exchange of the day. I am told that the practice is to fix the exchange of the dollar by a calculation of its value expressed in cash. Thus, when 210 itzeboes are delivered from the Mint as the equivalent of 100 dollars, the negotiations with the native dealers are conducted on the basis of 336,000 cash for 100 dollars, and the foreign merchant, who understands the usages of the country, learns to estimate the value of his dollar by the quantity of cash for which it will pass current. Cash is the unit of value in the mind of the native.

The question, then, arises what that value is.

The difference between the value of copper cash in China and Japan respectively, before the operation of the Treaty, was probably owing to the great abundance of native copper in the latter country. The prohibition to export this metal, which is jealously maintained under Article X. of the Treaty, shows that its comparative cheapness offers a great inducement to treat it as an article of commerce, which the restrictive policy of the Government seeks to prevent. Hence the withdrawal of copper cash from circulation; for, although both iron cash and paper notes of various denominations, ranging from 5 cash to 800 cash, have long been in circulation, as aids to the copper currency of Japan, it does not seem to be disputed that the Government have now ceased to issue copper cash. The circulation of the tempo, representing $\frac{1}{16}$ th of the itzeboe, or 96 cash, would appear at first sight to have a counteracting effect on this operation; but it is found that the quantity of copper contained in the tempo is equal to no more than about 10 of the old copper cash.* It follows that this new coin is, in fact, a mere token, representing a fraction of the itzeboe, in the same manner as the English penny represents a fraction of the shilling.

It is of some importance that this part of the question should be clearly understood, because an alteration of the silver currency would affect the relation of the dollar to the current cash. If the intrinsic value of the itzeboe were raised to three times its present amount, and the proportion of 1,600 current cash to the itzeboe (thus raised in value) were still maintained, it would follow that the purchasing power of the cash, if limited in quantity, would be increased to three times its present amount, and the dollar, which now represents 3,360 cash in exchange, would represent only 1,120 cash. As, however, cash, notwithstanding its

its

* I annex a Report by the Master of the Mint on an assay of the "tempo."

its altered character, continues to be the popular measure of value in Japan, it is probable that so considerable a change in its current value could hardly be effected without great derangement of pending transactions; and, though the operations of trade would lead to the rectification of any confusion arising from alterations in the currency, temporary inconvenience detrimental to the interests of our merchants would no doubt ensue from any measure, the drift of which may not be clearly understood.

The problem to be solved hereafter will be one of difficulty, whether the subject be considered as affecting the interests of the Japanese themselves or of those who trade with them. The artificial system of their currency must, I conceive, sooner or later break down under the development of foreign traffic; but the transition to a natural system will not present an easy course, and much watchfulness will be required to prevent the occurrence of new complications. In the meantime, so far as the interests of our merchants are concerned, hasty change should be deprecated. The quiet operations of commerce will, if left to themselves, tend to the correction of any anomalies which may be found to conflict with the mutual interests of the parties concerned, and will point the way to an ultimate solution of the question. At present, full information is the one thing needed; and it would probably be the safest course that Her Majesty's Envoy should abstain from offering a decided opinion on any proposition made by the Government of Japan for the settlement of the currency, without a previous reference to Her Majesty's Government, and a report submitting in full detail the character of any measure which may be proposed, and the best information that may be attainable regarding its anticipated effects.

The Lords Commissioners of
Her Majesty's Treasury.

I have, &c.
(signed) *G. Arbuthnot.*

Sir,

Royal Mint, 23 May 1863.

I HAVE the honour to communicate to you the results of an assay of the Japanese copper coin of recent manufacture called "tempo."

Of two specimens, the weights were 324·64 grains and 309·06 (specimen now returned) grains, giving a mean of 316·85 grains, or 0·04525 lbs. avoirdupois.

The composition in 100 parts was—

Copper -	-	-	-	-	-	-	81
Tin -	-	-	-	-	-	-	9
Lead -	-	-	-	-	-	-	10
							100

The mixture appears to have been combined with the view of casting well, and approaches to the composition of statuary bronze.

Taking the value of copper and tin both at 100 *l.* per ton, and lead at 20 *l.* per ton, as in a former assay of Chinese cash, the intrinsic value of the Japanese metal is 92 *l.* per ton.

The intrinsic value of a single piece or tempo is 0·4460 *d.*, or about nine-tenths of a halfpenny.

I have, &c.
(signed) *Thos. Graham.*

P.S.—The intrinsic value of 1,000 cash of the last Emperor of China, calculated like the Japanese tempo above, was found to be 4 *s.* 6¼ *d.* In March 1861, Governor Robinson reported the Chinese cash to circulate at Hong Kong at the rate of 970 cash for 1 Mexican dollar. Taking the value of the latter at 4 *s.* 2 *d.*, 1,000 Chinese cash would be worth 4 *s.* 3½ *d.* At their intrinsic value of 4 *s.* 6¼ *d.* per 1,000—

1 Chinese cash -	-	=	0·05425 penny.
10 " -	-	=	0·5425 "
100 " -	-	=	5·425 "
0·446			
1 tempo =	$\frac{0·446}{0·05425}$	=	8·221 Chinese cash.

The greater purity of the metal and superiority of workmanship of the Japanese tempo might entitle it to be valued more nearly at 10 Chinese cash.

George Arbuthnot, Esq.,
&c. &c. &c.

T. G.

FOURTH REPORT ON JAPANESE CURRENCY.

My Lords,

Treasury Chambers, 2 December 1863.

I HAVE the honour to forward to your Lordships, by way of illustration of my former reports, two memoranda, which have been communicated to me by Mr. Winchester, Her Britannic Majesty's Consul at Kanagawa, in Japan.

Mr. Winchester's interesting account of the manner in which the trade between the Japanese and the Dutch was carried on before the recent treaties, and his explanations regarding the produce of the precious metals in Japan, and the different action of the Tycoon and the Daimios in the regulation of the coinage, tend to throw much light on the perplexing question of the condition of the currency of the country. I am unable, however, to give entire assent to the arguments by which he illustrates the manner in which particular coins obtain "the premium of a favoured currency," in a rude or insecure state of society. It is not, in my opinion, that the native trader fixes the value of the one current coin used in his operations; but that his preference for that coin occasions a peculiar demand for it, which gives it a factitious value. The value at which Mexican dollars pass current in China is not regulated by any fixed and arbitrary rule adopted in that country, but by the price at which they can be obtained in the London market. That price is governed by the ordinary laws of supply and demand; and the demand has, of late years, so much exceeded the supply that dollars command a price which, compared with bar silver, is much higher than that which is due to their intrinsic contents of precious metal. The high value borne by the Carolus dollar was in like manner due to its scarcity.

Coined money generally bears, even when the mint is free, some value in exchange exceeding its intrinsic value. The natural value of coin, as compared with bullion, will be enhanced by a mint charge, or by any circumstances which may limit the supply for circulation. Much that is anomalous in the currency of the East may be accounted for by attention to this very simple principle; and I dwell upon it here because it affects in some important respects Mr. Winchester's otherwise very clear deductions from the facts which he communicates.

I agree with him in opinion that the very artificial regulations by which the current value of the silver coinage in Japan was maintained at an abnormal rate, as compared with the gold coinage, cannot long co-exist by the side of a general intercourse with the rest of the world; but the present condition of the currency of the country shows that the natural operations of commerce would hardly have effected a complete change within the short period of one year. The great convulsion referred to was caused by the forced action under Article X. of the Treaty, which conferred the right of exchanging coin weight for weight during the first year of its operation, and it cannot be truly said that the injury occasioned by that provision of the treaty was inevitable.

With these qualifications I see little to dissent from in Mr. Winchester's reports, and it is satisfactory to me to find that, groping as I have been by an uncertain light, I have arrived at practically the same conclusions with a gentleman who has so much information on the intricate subject of the currency of Japan, and has treated it with so much impartiality and intelligence.

I have only to add that the observations of Mr. Winchester on the subject of the exchange granted to foreign services, in so far as they apply to the accommodation afforded to ships of war, open a new view of the subject, and are entitled to consideration.

The Lords Commissioners of
Her Majesty's Treasury.

I have, &c.
(signed) *G. Arbuthnot.*

Annexes.

MEMORANDUM by Consul *Winchester*.

THE currency difficulty has been more or less continuously felt since the opening of Japan to foreign trade. That it is in the main traceable to the internal arrangements of Japanese administration, and not to any special design against foreign trade, is the inference deduced from a patient consideration of all the facts and statements which have come within the cognizance of the writer.

It must be taken as an admitted fact that the relative value of the precious metals in this country was, during its long seclusion, dependent on a condition of affairs entirely different from that which determined their value elsewhere in lands fairly opened to the world-circle of commerce. The foreign trade permitted with the Dutch was one of yearly barter. Money was not even passed for the balance, which was carried on to the transactions of the following year. The old Dutch trade, therefore, had in it no element tending to assimilate to ordinary rates the values of the precious metals in Japan.

It was found, shortly after the new treaties came into operation, that in the interior transactions of Japanese life, gold was only five or six times more valuable than silver. Such an extraordinary ratio gave rise to the most frantic efforts of foreign traders to effect purchases of gold. And but for the action taken by the Japanese Government, viz., their resolution to accept in the payment of taxes gold as an equivalent for silver at the usual rates, Japan would have been entirely drained of the former metal.

The truth is, that in Japan the comparative values were regulated exclusively by the internal supply and expenditure of the metals and the internal wants of the country; they were never exported, and there was a much greater supply than was required for the currency of a population on the whole of a feudal rather than a mercantile disposition. The yield of gold was large in proportion to that of silver: when the proportion of the yield of the precious metals required for the annual wear and tear of the circulation was subtracted, the surplus had only the prospective value attachable to its future chance of being required for currency. Hence there must have always been a great premium in favour of the coined metals as compared with bullion. Hence, also, the relatively high value of silver coins as compared with gold, inasmuch as the greater number of small than large transactions incidental to human society require silver rather than gold.

The Japanese from their long seclusion were as little able to deal practically with the precious metals according to our standard, as the Indians of Hispaniola were in the time of Columbus.

In a rude or insecure state of society the premium of a favoured currency is always greater than in countries where the commercial element is highly developed. It is to a London merchant only a question of fractional per-centage whether his money is in coin, bank notes, exchequer bills, bullion, silver or gold,—all are more or less interconvertible; but to a trader in Central Asia, the one coin current in the locale of his operations is essential. The silkworm-grower in Che-keang established 25 per cent. as the premium on the Carolus dollar; in truth they valued not the fact, but a mere variety of coinage, in other words a favourite die, at 25 per cent. It is, I believe, the operation of a similar consideration which maintains the high premium of itzebus in Japan.

Under what conditions can the Japanese Government buy silver for the purpose of coining? It is a fact, which mercantile inquiries fully acknowledge, that for 233 itzebus a weight of pure silver equal to the weight of 300 itzebus can be purchased; but the itzebus contain from 7 to 10 per cent. of alloy, which may be fairly set against the expense of coinage. The fact, therefore, is that in Japan native coinage imparts an additional value of one-third to silver. The property of being current is worth $33\frac{1}{3}$ per cent.

Foreign coin, *i. e.*, dollars, cannot be considered in Japan generally as having any other character than that of bullion. Therefore when the dollar is worth 2·30 it is nearly at the same value as native bullion. At 2·40 to 2·50, which rate has been sometimes attained, it is above par as compared with native silver. The local circulation of the dollar in the ports of trade ought on the whole to maintain the dollar slightly in advance of the native bullion. When, therefore, dollars are exchangeable at 2·30 to 2·40, they may be fairly considered at par, to have the value as bullion fairly determinable by the conditions of trade and Government existing in Japan. But some persons are unwilling to see the matter in this light, though it is practically admitted that at the above rate of exchange business is found, *cæteris paribus*, to be both safe and easy. Their argument runs in this way: 100 dollars are equal in weight to 311 itzebus; allowing 5 per cent. for seigneurage, why should not the Government give us 296 itzebus for 100 dollars? But can any unprejudiced mind fail to see that that if such a regulation were to become compulsory on the Japanese Government, it would amount to a forced sale of foreign bullion at 30 per cent. more than bullion can be purchased from their own subjects.

Any attempt to enforce such a proposal would be resisted by the Japanese as intolerable. The results of the return to cash payments in 1819 by the Bank of England would be trifling in comparison with the derangement of all existing transactions which the sudden derangement in the value of bullion would produce.

At the present moment the value of dollars is, however, much less than the par above referred to. At Nagasaki the dollar is worth 2·03; at Yokohama, 2·15; at Hakodadi, 2·50. The latter port is in an entirely exceptional state. The presence of a considerable Russian squadron necessitates a large issue of itzebus by the Government, which is absorbed by no commercial drain for produce from the interior. But in the other two ports, where the trade is considerable, and larger in exports than imports, money, *i. e.*, native coin, is constantly seeking the interior in exchange for the produce brought to the port.

It appears, therefore, that the excessive development of the export as compared with the import trade during the past year has mainly led to the fall in the value of the dollar. Other causes have also contributed to this end. Kunaike, Mitsui, and other rich merchants in Osaka are understood to have operated with a view to maintaining the depression. If so, their transactions would have very considerable influence.

In Nagasaki a large import of base coin, which the extensive connections of the Chinese Guild enabled them to throw into circulation, created and has kept up a local distrust in the soundness of foreign coin; while the lightness of some of the Mexican dollar issues—particularly the dollars with three spots (“mitz botz”), leading naturally to preference for the heavier kinds—has impaired the general value of the coin.

It is suggested that difficulties connected with the want of uniformity in the issue of Mexican dollars might be got rid of by their being paid and received, as in China, according to a fixed weight, viz., that in all cases 100 dollars should be represented by the weight of 7 mace 1 candarine 7 cash. The only objection to such a course is, that it would tend to impress still more on the dollar the character of bullion, and limit its circulation as a coin in the ports to market and other petty transactions.

On the whole, the inclination of opinion in the mind of the writer is against any artificial settlement of the currency question. Everything should be done by the foreign ministers to induce the Japanese Government to favour the free circulation and currency of the dollar in the ports, and it should be carefully protected from base issues. That done, we must trust to time and the extension of commerce to do the rest, and gradually lessen the coinage premium. The battle of exclusion is still being fought in Japan. If the non-intercourse party is allowed to assume the ascendant, trade and exchange will become daily more difficult and troublesome; but if the determination to draw Japan into the great family of nations is steadily persevered in by foreign Powers, the monetary errors and delusions of Japanese finance will rapidly yield to the necessities of an active and continually extending commerce.

Unfortunately there is much in the present state of foreign relations with Japan, on which the exclusive party are building sanguine hopes of arresting the working of, or even eliminating, the new leaven so visibly affecting all classes of this interesting population.

EXTRACT from Mr. Consul *Winchester's* Despatch of 18 February 1863.

IN former despatches I have had occasion to write at considerable length in reference to the currency difficulties of the port. The necessary funds for the purchase of the excess of exports over imports have been partly supplied by the purchase of foreign vessels and partly by the import of dollars from Shanghai, with which port alone there is a rate of exchange. The average rate during the year has been from 2 to 4 per cent. discount for drafts at ten days' sight.

The exchange between dollars and Japanese coin has formed a subject of more or less complaint throughout the year. Its fluctuations have been from 225 to 200 itzeboes per 100 dollars, the average being about 208 itzeboes per 100 dollars. I forbear to enter in detail as to the causes which have maintained this low rate, and content myself with noting them in the briefest manner.

1. The excess of exports over imports.
2. An importation by the Chinese Guild of base dollars.
3. A fanciful rejection of certain issues of the Mexican Mints.
4. An insufficient supply of Japanese currency.

To the obviation of the influences from the second and third causes my exertions have been constantly directed since my arrival here. The fourth arises from the operations of the Japanese Mint being unequal to supply the currency required for the transactions of the country as increased by foreign trade. I believe that if the Japanese Government could be only persuaded to give an increased activity to their coinage operations, most of the currency difficulties and irregularities would entirely disappear with the increasing supply of the circulating medium. I by no means concur in the extravagant notions of the profit which, by some inexplicable legerdemain, the Japanese Government are supposed to derive from the currency, nor in the estimate of its detrimental action on commerce. Much of the apparent loss to foreign trade is compensated by the impulse confessedly given to the import trade; and if the seigneurage on the Japanese Mint issues is undoubtedly large, it must be remembered that the coin returns to Government in the shape of taxes without any depreciation in its receipt as an equivalent of either produce or bullion. The inequalities are the natural results, in a country new to general commercial operations, of a preference for native currency of which there is an inadequate supply, and will ultimately rectify themselves by the necessities springing out of continued commercial intercourse with the world. The fact that the Japanese Government have recently made overtures to a foreign firm for the import of gold bullion may serve as a confirmation of the belief that no mysterious control is now exercised over the values of the precious metals.

Further Memorandum by Consul *Winchester*.

THE foregoing memorandum and observations on the currency of Japan lead to nearly the same practical conclusions as are set forth in Mr. Arbuthnot's Third Report, dated

the 28th of May. It is not, therefore, the object of the writer, in cursorily examining the two former Reports, December 24, 1862, and February 18, 1863, to exercise critical skill on results or deductions abandoned by the reporter as his information became more accurate and precise. On the contrary, he feels bound to express his admiration of the happy precision with which, as he possesses himself of the true state of facts, a thorough knowledge of the general principles of monetary science extricates him from the influence of antecedent misconceptions.

The currency system of Japan during its centuries of seclusion was founded on principles, and framed with views, so entirely different from those adopted by other countries within the circle of general commerce that it may well be regarded as a puzzle.

It included coins of the three metals ordinarily employed, viz., gold, silver, and copper. Of the first and last of these metals a more than average supply was always obtainable in Japan itself. Silver, however, was scarce and rare as a native product.

The Government was able to control its supply entirely as it pleased, for there were only two channels by which it was obtainable—the Dutch and Chinese establishments at Nagasaki. But so perfect were the restrictions on these factories, that neither in the one nor in the other was a single Japanese coin ever seen. A debtor and creditor account between imports and exports was kept; and the balance, after the departure of the licensed ship and junks, was carried on to the transactions of the following year. The most trifling expenses were paid by notes on the Government Comprador.

If the Dutch ship brought dollars, or the Che-foo junks sycee, they were bartered against so much wax, seaweed, copper, &c.

The Japanese Government, therefore, in consequence of the rarity of silver, and its thorough command over its sources, whether from mines or importation, was thereby enabled to control the circulation in accordance with its own special interests. Gold and copper spread over various localities in Japan were in the hands of the Daimios as well as of the Tycoon; but silver, the metal most suitable as the circulating medium of the great bulk of transactions in eastern countries, was entirely in the hands of the latter, whose interest it was to maintain its value at the surprising rates which the singular circumstances of the country alone permitted.

Hence the disproportionate relative values of silver and gold, and silver and copper; while as between gold and copper—the sources of which were too widely spread to be under exclusive control—the same, or nearly the same, relative values existed as prevail in the rest of the world.

Besides the power which the complete command of one of the three metals of which the coinage of Japan was composed, it must be borne in mind that it was essentially opposed to the views of the Japanese Government to encourage the development of commerce by the facilities created by a currency. The Government required a circulation for its own wants, but it never was part of its design to elevate the mercantile class, or to increase the number or facilitate the arrangement of mercantile transactions. Its object was limited to a convenient machinery for the collection of its taxes, to the profit derivable from the exaggerated value of a metal of which it was the sole holder, and to a powerful means of control.

Historical evidence as to the relative supplies of gold, silver, and copper, is to be found in all the accounts of the early trade with Japan: in 1670 and 1671 more than 100,000 cobangs were exported.

The year previous to the shutting up of the Dutch in Desima, gold to the value of more than 3,000,000 dollars was bought; but long before that foreigners had ceased to export silver, as the supply was exhausted.

The anomalies of Japanese currency were only possible during such a state of seclusion as Japan, of all countries in the world, has been able to maintain for centuries. They could not co-exist for a single year by the side of a general intercourse with the rest of the world. The means of adjustment were quickly found. The rapid efflux of gold forced upon the Japanese Government the adoption of the general relative values of the metals prevailing elsewhere.

Throughout the Reports the singular purchasing power of the Japanese itzebu causes it to be spoken of as a token coin. To a certain extent, and more especially in the interval between the opening of trade and the readjustment of the relative values by the coinage of the small cobangs and the withdrawal of the copper cash, this designation was correct enough, save in one particular.

It is doubtful if the itzebu tokens were ever convertible at any Government office into so many cobangs or cash. They were, however, received at their token value in payment of taxes.

That this adjustment, which took place three years ago, must have affected contracts and transactions to an extent almost incredible can easily be believed.

The arrangements of large classes must have been deranged in the most wholesale manner. But the evil has exhausted itself, and in the three years which have subsequently elapsed the transactions of the country have had time to adapt themselves to the altered monetary circumstances.

Recent negotiations have shown the expressed and unmistakeable intention of the Japanese Government to return, if it is possible, to its old seclusion; all its acts and proceedings are clearly seen to be made to work to that end.

If they are permitted to introduce any new coinage or innovation, its object will be, by
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some artifice or other, to restore to the Government the profit lost by the fall in the purchasing power of their silver coin. For this reason the writer concurs fully in the opinion which represents the consent of the foreign powers to the proposal of the Japanese Government to issue a new coinage of half-itzebus as a step highly to be deprecated, inasmuch as it is intended to create the means of restricting the influence of general commercial operations on the internal traffic of the country. It would only render the subjection of the native merchants to the Government more complete and abject than it is.

In agreeing with the reporter in characterising Article X. of the Treaty as embodying an arrangement which, if it had been practicable, would have been most unjust in its operation so far as the Japanese were concerned, the writer can also confirm the statement that the Article never was operative, except during the first year, while the right to exchange coin at weight for weight existed. That privilege was, no doubt, in itself a heavy loss, and through the export of cobangs, was made the instrument of one still heavier to the Japanese Government. But the injury was inevitable. No country can deviate so widely as Japan did during her seclusion from the acknowledged monetary principles on which a sound circulation is based, and can hope to return to them without experiencing a convulsion great in proportion to the original deviation.

This crisis Japan has gone through, and it is only by imprudent concessions to measures dictated by the unconcealed hankering to return to ancient errors, that the gradual assimilation of the conditions of the currency and trade of Japan to those of the rest of the world can be impeded.

The great practical object, meanwhile, is to secure the presence at the open ports of an amount of native Japanese coin equivalent to the difference in the amount of the exports to and imports from foreign countries, *i. e.*, to the surplus value of exports over imports.

Suppose that our imports are 3,000,000 *l.*, and our exports 6,000,000 *l.*; it is clear that between the whole amount of the former and a moiety of the latter, the matter is one of barter exclusively, having no influence on the rates of exchange between foreign and Japanese coin. These rates, however much they may vary, are determined by the conditions connected with the purchase of the other moiety of the exports.

These conditions are very candidly and correctly given from the information of a merchant, at page 5 of the Third Report. But it may not be undesirable to specify more particularly the details of the commerce-circle at the ports of Japan as involving the actual facts with which any alterations now instituted will have to deal.

The foreign merchant wishes to purchase 20,000 dollars' worth of silk: he settles in his own mind that the silk will pay at the price demanded. To meet that he has the following means at hand:—500 pieces of camlets, saleable at 10,000 dollars, and 10,000 Mexican dollars. The former he sells at the price named, and the proceeds being added to his previous cash, he lays out both in buying silk.

The converse case with the seller of the Japanese silk is this:—He holds silk of the value of 20,000 dollars, but it will pay him better to invest half the value in camlets, which is done. But what becomes of the remaining 10,000 dollars which are received in Mexicans? They are of no use to him if he takes them into the country; he cannot renew his silk or wax purchases with foreign coin; he must get rid of it in Yokohama.

The ways of doing so resemble the ways of doing so in other countries, and the conditions which affect the rate in Japan act precisely as the same conditions would act if they were in operation in other countries. He hears of some other Japanese merchant or broker who wants to purchase goods or steam-ships supplied by foreigners, and goes to him, saying, "I hear you want to buy dollars, whereas I want itzebus." A bargain is then effected; let us say for the exchange of 5,000 dollars. For the other 5,000 dollars the Japanese Mint officers lay in wait. By their admirable system of surveillance every transaction is known, and if the Mint wishes to buy dollars, the Japanese trader finds it his interest to part with the last 5,000 dollars at the Mint rate of the day. The itzebus which are the proceeds of these transactions are sent into the country, and paid out for silk, in which shape they once more return to the foreign port.

What determines the rate of exchange between itzebus and dollars?

1stly. There is a premium naturally attached to a favoured currency in the East. Reasonably enough, the Japanese prefer their own coin, which is current throughout the empire, and is a legal tender, to bullion. In a half-civilised state of society like Japan, the property of currency enhances the value to an extent scarcely conceivable in the settled countries in Europe.

2ndly. The immediate actual supply of itzebus in circulation among the natives at these ports.

Now it is by restricting these supplies at the ports that the Japanese Mint endeavours to keep down the price of the bullion silver it requires for its coinage. The actual amount of itzebus in circulation at the ports, however, is gradually enlarged by the increasing wants of the local population, which naturally seeks to keep hold of the representatives of value necessary to its own wants. The issues of itzebus which the courtesy of the Government allows to foreign Government services—which is not so unimportant as might at first sight be imagined—also keep up or renew the local supply of itzebus, and tend to restrict the Mint contrivances for the supply of bullion within tolerable limits.

In examining the Reports with the view of eliminating—from the admirable trains of logical thought by which they are distinguished—the definite practical recommendations which the reporter, after modifying his views in accordance with his increasing knowledge of the facts, brings forward (page 9. Third Report), the writer finds these to be actually limited to one, viz., the prompt relinquishment of the arrangement by which Government officers and ships are permitted to exchange 100 dollars for 300 itzebus. It will be observed that this privilege, which was first temporarily conceded to Sir Rutherford Alcock as a necessary accommodation to meet the wants of the public service during the actual derangement connected with the readjustment of the metallic values, is voluntarily continued by the Japanese Government. There is not, therefore, any ground for supposing that its relinquishment would be considered by the Japanese as a concession of importance. If they had thought so, it would have been stopped long ago. I think it probable enough that the Japanese Government would attribute an abandonment from the foreign side, not to any desire to do justice to the Japanese, but to a wish to withdraw the opinions and proceedings of the foreign officials from the influence of such friendly dispositions as the acceptance of this privilege is deemed by them likely to create.

What we should hope may be the ultimate result of increased intercourse between Japan and the rest of the world is, that dollars tendered by the foreign merchant at the Mint will be coined into itzebus, at a reasonable seignorage.

This, however, is not to be looked for, so long as the mere property of currency so largely increases the purchasing power of the silver in the itzebu considered as a representative of exchange. But the extension of commercial operations tends clearly to this end, and a country which is so unmistakeably capable of rapid commercial development as Japan may see, in a much shorter time than now seems probable, a rapid approximation to the monetary conditions of the rest of the world.

It was for this reason that in recognising the exchange of 100 dollars for 230 to 240 itzebus as the present natural par, the writer has always deemed it is duty to deprecate the establishment of that or any other artificial rate of exchange, because he felt convinced that the increase of commerce must tend to produce the natural rates due to the comparative intrinsic value of the different denominations of coin in exchange with bullions.

A word or two more with reference to the exchange granted to foreign services. This issue is not, in practice, so limited or insignificant in its effect in keeping up the great desideratum, viz., an adequate supply of the native circulation at the ports, as might be supposed.

The ships of war are included in the privilege to an extent which gives in Hakodadi and Yokohama the issue of itzebus against dollars at 1,000,000 dollars for each port (at the present moment the exchange at Yokohama, owing to the presence of the squadrons, is at a rate exceeding 2,000,000 dollars per annum); whereas, at Nagasaki, the exchange was almost entirely confined to the Consulates. At Hakodadi, where the exports are inconsiderable, the plentiful supply of itzebus due to the privilege of the Russian ships, has kept the average value of 100 dollars at 260 to 275 itzebus. At Yokohama a supply more restricted in comparison to the trade done has been accompanied by, and in my opinion maintained, rates at from 100 dollars per 230 to 240 itzebus; whereas at Nagasaki the rates have been from 210 to 230 itzebus, and seriously diminished the extent of business of which the port is capable.

Under these circumstances I trust Her Majesty's Government will pause before directing the abandonment of this privilege, which unquestionably exercises a very favourable effect on foreign commerce, by keeping up the supply of native coin at the ports of trade. If it is right that the personal advantages should be taken away from the officers who, serving their country at the distance of more than half the globe, have profited thereby, let them be taken away, and the profits of the exchange be carried to the credit of the Governments themselves, and go to lessen the expenses of the establishments which it is necessary to keep up.

On the general question it may be sufficient to remark, that while it would be most unjust to the Japanese to endeavour to force into operation the extraordinary monetary article devised by Mr. Harris, its existence has been sufficient to keep in check innumerable attempts of the Japanese to work a special profit out of the currency, and is a security for the progress of that national monetary adjustment which is as much the certain result of increased commerce as light is of the presence of the sun.

The instructions of foreign Governments, while leaving the Japanese Government free to arrange the details and denominations of their coins, should direct their agents to discourage, and if necessary to resist, any changes inconsistent with the metallic value relations existing generally throughout the world. Any means or expedients tending to secure a sufficient supply of native coin at the ports should be sedulously encouraged; above all, it should be steadily impressed on the Japanese Government that the best policy is to allow these matters to settle themselves under the influence of the commercial operations involved in a steady increase of trade.

August 1863.

(signed) *Charles A. Winchester.*

JAPANESE CURRENCY.

COPIES of Reports made by the late Mr. *Arbutnot* to the Lords of the Treasury on the subject of JAPANESE CURRENCY, and dated respectively 24 December 1862; 18 February 1863; 28 May 1863; and 2 December 1863; and, of MEMORANDA or other DOCUMENTS referred to and enclosed in the above-mentioned Reports.

(*Colonel North.*)

*Ordered, by The House of Commons, to be Printed,
10 August 1866.*

FURTHER PAPERS

RELATIVE TO

THE AFFAIRS OF NEW ZEALAND.

(In continuation of Papers presented 2nd June 1865.)



Presented to both Houses of Parliament by Command of Her Majesty.
February 1866.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

FOR HER MAJESTY'S STATIONERY OFFICE.

1866.

SCHEDULE OF DESPATCHES

RECEIVED BY THE SECRETARY OF STATE FROM THE GOVERNOR OF NEW ZEALAND.

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1	1 April 1865 (No. 36.)	Memorandum of Ministers, rebutting the impression that the War in New Zealand is now carried on for the profit of the Colonists - - - - -	9
2	1 April 1865 (No. 37.)	Transmits memorandum of Ministers containing an exposition of the measures which they recommend should be taken for the future defence of the Colony - - - - -	10
3	3 April 1865 (No. 39.)	Report of Sir D. Cameron of the defeat of a party of Rebel Natives on the 13th March - - - - -	14
4	4 April 1865 (No. 40.)	Petition to the Queen from Hawkes Bay against the dismemberment of the Colony, forwarded at the request of his Responsible Advisers - - - - -	15
5	4 April 1865 (No. 41.)	Statement in Mr. Fitzgerald's letter to Mr. Adderley relative to proposed School Room, &c., on Te Wheoro's land being made into a bullet-proof redoubt. States that the allegation in question is wholly and absolutely untrue, and that both Mr. Adderley and Mr. Fitzgerald have acted most improperly in giving it currency in England. Remarks that the other statements in Mr. Fitzgerald's letter regarding the Governor's proceedings are also untrue - - - - -	16
6	6 April 1865 (No. 42.)	Murder of the Revd. Mr. Volkner. Transmits papers on the subject, and states that he cannot communicate this most distressing information without adding that Mr. Volkner was one of the most amiable, devoted, and gentle Missionaries he had ever met with - - - - -	20
7	6 April 1865 (No. 43.)	Validity of certain Acts of Colonial Legislatures. Transmits memorandum of Ministers on the correspondence between the Secretary of State and the Governor of South Australia, relative to the validity of certain Acts of Colonial Legislatures - - - - -	34
8	6 April 1865 (No. 45.)	Interview with Topia, a Chief of Whanganui. Submission of 24 of his leading men reported, and states that on Topia refusing to make his submission he allowed him 24 hours to make his escape, and then issued a Proclamation calling upon all persons to aid in his apprehension. Transmits a note, drawn up by the Interpreter, of what passed on the occasion of the interview, and also a copy of a Report made by Mr. Booth of the result of his proceedings with Topias' people; 24 of his leading men, including Topias' son, having immediately made their submission - - - - -	36
9	7 April 1865 (No. 46.)	Mr. Fitzgerald's letter to Mr. Adderley. Refers to previous Despatch, No. 41, of 4th instant, and answers in detail the charges contained in Mr. Fitzgerald's letter to Mr. Adderley - - - - -	39
10	7 April 1865 (No. 47.)	Pipiriki, on the Upper Whanganui, taken possession of by a mixed force of military settlers and friendly natives. Refers to previous Despatches, Nos. 42 and 45, of 6th instant, and states the circumstances under which he considered it necessary that Pipiriki should be taken possession of and occupied. Reports that 200 military settlers and a body of friendly natives, under the command of Major Atkinson took possession of Pipiriki on the 3rd instant - - - - -	41

SCHEDULE.

Number in Series.	Date and Number.	SUBJECT.	Page.
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12	27 April 1865 (No. 53.)	Charges brought against the Governor and Ministers by Sir D. Cameron. Reports having received a letter from Sir D. Cameron, stating that he had forwarded to Earl de Grey a correspondence containing certain serious accusations against the Governor and his Colonial Ministers. Governor therefore encloses copies of the correspondence in question. Remarks upon and refutes these charges - - -	43
13	27 April 1865 (No. 54.)	Correspondence with Sir D. Cameron respecting applying to England for reinforcements. Adverts to the correspondence forwarded in Despatch No. 53 of 27th instant, and forwards copies of letters in regard to the applications of General Sir D. Cameron for further reinforcements from England. Justifies the course he has pursued with reference thereto -	66
14	27 April 1865 (No. 55.)	Mr. Grace's Journal of his imprisonment at Opotiki when Mr. Volkner was murdered, transmitted - - -	72
15	27 April 1865 (No. 57.)	Petition of the Province of Auckland to have the Northern portion of the Island constituted a separate Colony. Transmits additional signatures received from the Out-Settlements -	79
16	2 May 1865 (No. 58.)	Report from Mr. Clarke, Civil Commissioner at Tauranga, respecting the Pai Marire fanatics. Transmits statement that when Mr. Clarke wrote this Report he was not aware of the great change of feeling amongst the Natives which had taken place on the East Coast of the Island, and he therefore viewed matters under a very gloomy aspect - - -	80
17	2 May 1865 (No. 59.)	Native affairs at Hawkes Bay. Transmits copy of a letter from the Superintendent of Hawkes Bay reporting that Native affairs in that District have lately assumed a much more favourable aspect - - -	83
18	7 May 1865 (No. 60.)	Mr. Fitzgerald's letter to the Secretary of State of the 15th April 1865 with regard to his letter to Mr. Adderley, relative to the buildings on Te Wheoro's land. Transmits copy of, in relation to Governor's Despatches No. 41 of 4th, and No. 46 of 7th April; also copy of a letter addressed by Mr. Fitzgerald to the Colonial Secretary, expressing his regret that he cannot unsay or modify any of the statements contained in the letter which he addressed to Mr. Adderley. Governor has nothing to add to the statements made in the Despatches above referred to, and is quite satisfied that the case should rest upon its own merits - - -	86
19	8 May 1865 (No. 61.)	Charges made by Sir D. Cameron against the Governor and his Colonial Ministers. Regrets that Sir D. Cameron should be under the impression that Governor and his Ministers were acting unfairly towards him, whilst he was engaged in operations in the field, and forwards copies of documents rebutting Sir D. Cameron's charges - - -	89
20	10 May 1865 (No. 63.)	Submission of Rewi to the Government. Transmits copy of a statement made by Te Aporo, a native who was charged to deliver to the Governor a message from Rewi, who has hitherto been the chief leader of the rebels. States that it appears from this document that Rewi intends to make his submission to the Government - - -	91

SCHEDULE.

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Number in Series.	Date and Number.	SUBJECT.	Page.
21	20 May 1865 (No. 67.)	Occupation by Colonel Warre of two important positions to the north and south of Taranaki (Pukearuhe and Opunaki Bay). Transmits two confidential reports from Colonel Warre, showing his occupation of these posts, by which he, the Governor, believes that Province has been placed in a state of security, and the war there brought to a close - - - - -	92
22	23 May 1865 (No. 71.)	Removal of the Seat of Government. Transmits copy of Petition to the Queen, signed by Natives of Hokianga, praying that the residence of the Governor be not removed from Auckland to the South of New Zealand - - - - -	93
23	23 May 1865 (No. 72.)	Captain Luce's report of his proceedings on the East Coast in H.M. Ship "Esk," enclosed;—and considers that great good has been effected by his visit to the friendly Chiefs of the East Coast - - - - -	96
24	23 May 1865 (No. 73.)	Respecting Sir D. Cameron reflecting on the conduct of the Governor and Ministers in private communications to Her Majesty's Government. Referring to a communication he has received from Sir D. Cameron on this head, begs that he may be directed to desist from making confidential communications to Her Majesty's Government reflecting on the Governor and his Ministers, and that he be directed to forward all such correspondence openly through the Governor - - - - -	105
25	24 May 1865 (No. 74.)	Mission of Mr. G. Graham on behalf of Government to negotiate terms of peace. Forwards substance of message from Maori King and Rewi, principal leader of the Natives, which has resulted in naming Mr. Graham to proceed to negotiate terms of peace. Sends letter from Te Waru, an old friend of the Governor's. Will proceed to Kawhia in the "Eclipse" to see the chiefs - - - - -	106
26	30 May 1865 (No. 76.)	Submission of Chief William Thompson and the so-called Maori King. Encloses Report from Brigadier Carey, stating that Thompson came before him accompanied by Mr. Graham, and made his submission to the Governor, and that of the King, which he was authorized to do. Believes that he will soon be able to report that the war in that part of New Zealand is virtually ended - - - - -	108
27	30 May 1865 (No. 78.)	Captain Fremantle's visit to the Bay of Plenty. Copy of his letter of proceedings transmitted - - - - -	109
28	6 June 1865 (No. 79.)	Colonel Warre's proceedings at Taranaki objected to by Sir D. Cameron. Encloses correspondence with Sir D. Cameron on this subject. Believing Colonel Warre's proceedings to have been energetic, courageous, and judicious, begs that an inquiry into his proceedings be at once instituted, and further, with reference to some remarks in Sir D. Cameron's letter of 1st June, asks that an inquiry may be instituted into the truth of the Governor's statements given in his despatch of 20th May - - - - -	111
29	8 June 1865 (No. 81.)	Respecting apparent discrepancy between Despatches of Governor and Sir D. Cameron. In reply to No. 20 of the 27th of May asks for copies of Sir D. Cameron's Despatches to the Secretary of State for War, that he may show how unjust and erroneous they were, and again points out how embarrassing it is to him that the General should send home Despatches of that character, without communicating copies to the Governor - - - - -	114
30	6 July 1865 (No. 82.)	Commencement of operations at Whanganui. Transmits copy of a letter from Sir D. Cameron on the subject in question, and points out the many serious misrepresentations therein regarding the delay in commencing hostilities in the Whanganui District, Sir D. Cameron himself being entirely responsible - - - - -	115

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32	10 July 1865 (No. 84.)	Gratification of the Chief William Thompson at the restoration of peace. Encloses copy of a letter sent to William Thompson and his reply thereto, expressing his gratification that peace has been made with his tribe - - - -	121
33	10 July 1865 (No. 85.)	Attack of the rebel positions at Warea by the Force under Colonel Warre. Forwards Despatch from Sir D. Cameron, with a Report from Colonel Warre, giving particulars of this attack, and remarks upon the skill displayed by Colonel Warre and the gallantry of our troops who suffered no casualty on the occasion. Considers that if Colonel Warre had been allowed to advance from Taranaki when General Cameron began his march from Whanganui, the war would have been entirely ended - - - -	122
34	10 July 1865 (No. 86.)	Explanation of discrepancies between his Despatches to the Secretary of State for the Colonies, and those of Sir D. Cameron to the Secretary for War. Replies to Despatch No. 20 of 27th March, and submits the explanation which he understands the Secretary of State expects from him - -	125
35	13 July 1865 (separate).	Intended resignation of Ministers. Encloses a memorandum from his Responsible Advisers stating their intention to resign after the meeting of the Assembly on 24th July. Points out that their reason for so doing is the line of proceeding adopted by General Cameron; and expresses his fears that great political embarrassments as likely to occur - - -	129
36	13 July 1865 (No. 89.)	Propriety of withdrawing the Imperial troops from the Colony at this critical time. Referring to Secretary of State's Despatch No. 20, of 27th March, transmits correspondence with Sir D. Cameron on this subject. States that as Sir D. Cameron's views are opposed to his own as to the way in which effect might be given to instructions from Her Majesty's Government for the withdrawal of the troops, and his Responsible Ministers consider the forced inaction of the troops a cause of weakness, he has explained to the General that he withdraws his former advice, and leaves General Cameron to his own discretion - - - -	132
37	14 July 1865 (No. 90.)	Attack of the Friendly Natives on the East Coast by the Fanatics. Encloses copies of letters showing that war parties are moving from several points to encourage the Fanatics, and that the latter have raised a part of the population on the East Coast, and are attacking the Natives there who are friendly to us - - - -	146
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39	19 July 1865 (No. 92.)	Transmitting correspondence with Brigadier-General Waddy, C.B., showing that he is unable to attack the Weraroa Pah without reference to General Cameron; and also memorandum by the Governor of events before Weraroa - -	149
40	21 July 1865 (No. 93.)	Transmitting letters showing the critical position in which Captain Brassey is placed at Pipiriki - - -	153
41	22 July 1865 (No. 94.)	Reporting the details of the capture of the Weraroa Pa - -	160
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18	26 Sept. 1865 (No. 79.)	Forwards correspondence with the Treasury and the War Office on the subject of the system of Advances, considers that the question stands at present in a very unsatisfactory condition - - - - -	240
19	20 Oct. 1865 (No. 81.)	Acknowledges Despatches Nos. 82, 83, 85, 86, 89, and 91 of July 1865 - - - - -	249
20	23 Oct. 1865 (No. 83.)	Acknowledges with much satisfaction Despatch No. 99, announcing that Pensions and Gratuities had been awarded to certain wounded Natives - - - - -	250
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28	27 Nov. 1865 (No. 103.)	Payment of compensation to Mr. Alexander, as settler, for damage done to his property by certain of Her Majesty's troops. Considers the liability to indemnify persons who may suffer losses of this kind to be a question for the consideration of the Governor's Advisers - - - -	260
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33	26 Dec. 1865 (No. 110.)	Acknowledges Despatch forwarding copy of the Proclamation issued on the 2nd September last, announcing to the Natives the desire of the Government to regard the war as ended - - - -	265
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35	26 Dec. 1865 (No. 112.)	Acknowledges Despatch reporting the murder of a Native named Kereti, sent by Brigadier General Waddy to make known to the Rebel Natives between Weraroa and the Patea, the Proclamation issued on 2nd September, and the probable murder of Mr. C. Broughton - - - -	266
36	26 Dec. 1865 (No. 113.)	Acknowledges Despatch reporting the resignation of Mr. Wild and his colleagues, and Mr. Stafford commissioned to form a new Government - - - -	266
37	8 Jan. 1866 (No. 3.) -	Enclosing letter from War Office respecting the reasons alleged for Brigadier-General Waddy's delaying to effect the immediate punishment of the murderers of Kereti and Mr. Broughton - - - -	267
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FURTHER PAPERS

RELATIVE TO

THE AFFAIRS OF NEW ZEALAND.

Despatches from the Governor.



No. 1.

NEW
ZEALAND.
No. 1.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 36.)

Government House, Wellington, April 1, 1865.

(Received, July 6, 1865.)

(Answered, No. 50, July 26, 1865, page 217.)

SIR,

IN compliance with the request of my responsible advisers I have the honour to transmit the copy of a memorandum I have received from them rebutting any impression which might prevail that the war in New Zealand is now carried on for the profit or gratification of the colonists, an impression which I am quite satisfied would be an erroneous one.

Encl. No. 1
Memo. of Ministers, Mar. 20.
Memo. of His Excellency, April 1.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure in No. 1.

Encl. in No. 1.

MEMORANDUM for his EXCELLENCY the GOVERNOR.

MINISTERS, in referring to the Governor's Memorandum of the 4th instant, expressing a fear "that an impression prevails in some quarters that the present war is carried on for the profit and gratification of the Colonists," are prompted by their desire to meet his Excellency's wishes, rather than by any sense of the necessity of rebutting imputations so vague and so indirect.

See at p. 89.

Ministers feel that they might safely rely upon his Excellency's sense of justice for their defence. They are not aware that any difference of opinion has existed between his Excellency and themselves, regarding either the advisability of taking decided action in the country between Taranaki and Wanganui, or regarding the ends sought to be obtained by such action. They believe that on these subjects there has been a free interchange of opinion between his Excellency and his Responsible Advisers, and that such consultations have in no case resulted in any difference of opinion. Ministers would, undoubtedly, have preferred that his Excellency should, after visiting the Southern Island, as proposed by them, have arrived at Wellington and Wanganui, if necessary, about the time that Lieut.-General Sir D. A. Cameron commenced his operations there; and they, at the same time, proposed that a Member of the Ministry should accompany the General to Wanganui, in the hope that such a course might facilitate any peaceful overtures on the part of the insurgent Natives. The Lieut.-General, however, considered that the Governor's presence in Auckland was imperatively required, and finally did not adopt the proposition that he should be accompanied by the Minister for Native Affairs, considering his presence unnecessary.

It is possible that these circumstances may have given rise to a supposition in the minds of some persons, ignorant, perhaps, of the Proclamation of the 17th of December 1864, that the Lieut.-General Commanding, being without the presence of any high civil authority, became involved in hostilities which might have been avoided. Ministers, however, cannot assent to this view. Had they seen any probability of successful negotiations, resulting in the submission of the hostile tribes, they would have pressed their original proposition. His Excellency is well aware that the country between Wanganui and Taranaki has long been a focus of sedition and fanaticism. There, in 1854, was held the meeting of Manawapou, at which death was decreed against any Native who should sell his own land to the Pakeha; thence issued armed bands of marauders and plunderers during the Taranaki war; thence, up to the present day, issue organized parties of fanatics, who traverse the Native districts throughout the Island, parading the cooked heads of Europeans; in one instance, it is said, leading captive with them two British soldiers, and, in at least one case, adding cannibalism of the

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most disgusting character to their other crimes. Ministers will not dwell upon such facts, as that all communication between Taranaki and Wanganui has been long prohibited by these tribes; that the mails have been stopped; that a mail steamer having been wrecked on the coast, neither military nor civil authorities at the nearest port could have access to it by land; that this district is the refuge of Native criminals, as was shown in the case of Henare Tahau, who escaped thither after attempting to murder a Native woman; more recently, Mr. Hewett, a much respected European settler; the Native assessor, Rio, and other friendly Natives have been murdered; an European road-party fired on, and the progress of Her Majesty's troops resisted by force of arms. The loyal Natives of Wanganui have been threatened with the same destruction as Europeans. The gallantry with which they have defended themselves, and their European fellow citizens, will be fresh in his Excellency's memory.

Ministers cannot but admit that it would have been for "the profit" of the Colonists if the Lieut.-General Commanding had found it possible, by vigorous action, so to carry on war in the head-quarters of fanaticism as to have ensured submission, and thus put a stop to a rebellion which has incalculably retarded the progress of New Zealand, which has depreciated the value of property throughout the country districts of the Northern Island, and which has placed both Islands of New Zealand in a state of the gravest financial embarrassment. They must also admit that the Colonists, the friendly Natives, and all who desire the welfare of this Colony and of its inhabitants, whether of Native or European origin, would derive "gratification" from the establishment of law, order, and peace in the place of anarchy and the most degraded barbarism.

Ministers would further state that, though they believe that the repression and punishment of the rebel tribes of this district, and the opening and occupation of their country, is an absolute necessity, regard being had to the safety of the neighbouring settlements, and the peace of the Island generally, they, nevertheless, have advised his Excellency to oppose the demand of the Lieut.-General for reinforcements from England, nor will they advise any operations to be undertaken which may involve the retention of Imperial forces in the Colony, and submit their opinion that a Colonial force of bush-rangers and cavalry, united with the loyal Natives, whose interests are identified with those of the Colonists, would be sufficient to undertake and execute all operations that are requisite.

The expression of these opinions will, probably, sufficiently rebut the insinuation of improper anxiety to retain the troops for the "profit" of the Colonists. Further, Ministers will content themselves with requesting that his Excellency will inform them whether, on any occasion, they have offered him advice which might fairly appear to have been dictated by any disregard for the true interests of Natives, or any undue desire to obtain land, even for legitimate purposes of sale or colonization. Ministers, in tendering advice to his Excellency, will at all times, as heretofore, be ready to state their reasons and objects in so doing, and will do so in writing whenever he may require it.

Wellington, March 20, 1865.

(Signed) FRED. A. WELD.

MEMORANDUM.

IN their Memorandum of the 20th ultimo Ministers request the Governor to inform them whether, upon any occasion, they have offered him advice which might fairly appear to have been dictated by any disregard for the true interests of the Natives, or any undue desire to obtain land, even for legitimate purposes of sale or colonization.

In reply the Governor has to state that Ministers have not, in his opinion, at any time tendered to him advice which was either directly or indirectly open to such a construction as they have alluded to in their Memorandum.

April 1, 1865.

(Signed) G. GREY.

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 37.)

Government House, Wellington, April 1, 1865.

(Received, July 6, 1865.)

(Answered, No. 50, July 26, 1865, page 217.)

SIR,

In compliance with the request of my Responsible Advisers, I have the honour to transmit a copy of a Memorandum they have prepared for your information, containing an exposition of the measures which they recommend should be taken for the future defence of the Colony of New Zealand.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,

(Signed) G. GREY.

&c.

&c.

&c.

Encl. 1.
Memo. F. A.
Weld, March
20, 1865.

Encl. in No. 2.
*Vide Papers
presented 6th
April 1865,
page 8.

Enclosure in No. 2.

MINISTERS have learned from the Governor's despatch to the Right Honorable the Secretary of State for the Colonies of the 7th January 1865, No. 10,* (which was laid before them on the 3d instant)

that his Excellency is desirous of receiving a formal statement of their views with regard to the defence of the Colony.

Her Majesty's Secretary of State has pointed out the futility of any expectation on the part of the Colony, that Imperial troops will be retained in New Zealand, unless upon terms which it is impossible for the Colony to accept.

On the other hand, the Legislature has urged the withdrawal of the troops at the earliest practicable period; and has expressed its determination to make every possible effort to place the Colony in a position of defence against internal aggression.

Mr. Weld, the present Premier, before assuming office, submitted certain propositions for the acceptance of his Excellency the Governor, in the following terms:—

“Mr. Weld is of opinion that the system of double Government by Governor and Ministers has resulted in evil to both races of Her Majesty's subjects in New Zealand; he recognises the right of the Home Government to insist upon the maintenance of this system, so long as the Colony is receiving the aid of British troops for the suppression of internal disturbances; he is prepared to accept the alternative, and will recommend the Assembly to request the Home Government to withdraw the whole of its land force from the Colony, and to issue such instructions to the Governor as may enable him to be guided entirely by the recommendations of his Constitutional Advisers, excepting only upon such matters as may directly concern Imperial interests and the prerogatives of the Crown.

“Mr. Weld is aware that the Governor, before taking action upon a proposition, which would change the whole aspect of the relations between the Mother Country and the Colony, may probably feel it his duty to ascertain the views of Her Majesty's Home Government; he would therefore, pending their decision, recommend to the Colonial Parliament that the Colony should undertake a reasonable liability for the services of troops actively engaged in the field, at the especial recommendation of his Excellency's Ministers, and for such troops only.

“Mr. Weld would recommend that a small standing Colonial force be kept on foot armed and trained with special reference to the nature of the service required.”

These propositions were laid before both Houses of the Legislature during the ensuing session, and Ministers, in advising his Excellency the Governor during the recess, have carefully kept in view this cardinal feature of their policy.

On taking office they found districts somewhat advanced and difficult of defence in the occupation of the Imperial troops and of Military Settlers. It would have been impossible to withdraw from any of these positions without a confession of weakness, and risk of consequent disaster. They also found the settlements of Wanganui and Taranaki in a position of difficulty and danger, and between them a district, which was the rallying point of disaffection, and the nursery of fanatical propagandism.

Ministers at once advised his Excellency the Governor to issue the Proclamation of December 17th, 1864.

Their policy was not to continue aggressive warfare, but to settle the country already held by the troops; to identify the friendly Natives as far as possible with their European fellow-citizens by the issue of Crown grants and certificates to them for land; and by measures generally calculated to improve the condition of the native race; to open the country by roads as occasion might serve; and to secure the safety of the settlements of Taranaki and Wanganui by making a road, and by securing a military post or posts in the intervening hostile districts.

Ministers believe the success of their policy to depend upon the willingness of the European settlers and of those Natives who live amongst them to come forward in self-defence, aided, for a time at least, by an armed constabulary force under the direction of the Civil Government. They are of opinion that the Province of Auckland, for instance, having a population of about 37,000 European inhabitants, besides a very large proportion of friendly Natives, ought to be in a position to ward off any attack from the comparatively small and badly armed force which might be brought against it. Ministers are aware that disasters to settlers in exposed positions may at times occur, but such disasters have not been prevented by the presence of Imperial armies, nor could they were those forces doubled. Ministers do not overlook the fact, that the permanent peace and safety of the Colony can only be secured by a course of policy which shall guarantee to our fellow-subjects of the Native race, civil rights, and at the same time bring them under the control of law.

It is then proposed, with the sanction of the General Assembly, to establish an armed constabulary force to occupy defensive posts to be supported, as occasion may require, by friendly Natives, by volunteer bushranger and cavalry corps, all of which have hitherto done excellent service, and in case of emergency by the whole militia of the district. It is submitted, that a force of the nature proposed has been proved to be more effective for the special purposes required in New Zealand than large armies organized with a view to European warfare. Such a force at least may, it is hoped, be within the reach of the Colony. The possession of it would entail no liability to interference in the management of our internal affairs; whilst, on the other hand, New Zealand has neither the means nor the desire to retain an Imperial army.

Ministers advise the reduction of the Imperial force in New Zealand, and believe that with the assistance of the Imperial authorities, a few months would enable them to supply, as far as necessary, the place of all the troops now present in this country.

It is intended that the proposed force shall consist of,

Europeans	-	-	-	-	1,350
Maoris	-	-	-	-	150
Total	-	-	-	-	<u>1,500</u>

It is hoped that the European portion may be obtained from the Regular troops, permission having been asked from the Home Government to allow enlistment from the regiments now serving in New Zealand. Should that permission be refused, the men will be enlisted from other sources.

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1. On the line of communication from the Queen's Redoubt southward, and between the Waikato and Waipa Rivers -	-	-	-	-	-	-	6 Companies
2. On the line of the Waikato River from the Bluff or Queen's Redoubt to Pukorakora on the Frith of the Thames -	-	-	-	-	-	-	3 do.
3. In reserve at Papakura and neighbourhood -	-	-	-	-	-	-	3 do.
4. At Tauranga -	-	-	-	-	-	-	1 do.
Total in Province of Auckland -							13 do.
5. In the Taranaki and Wanganui districts, extending from the north of the Waitara River to the Waitotara River -	-	-	-	-	-	-	12 do.
6. At Wellington -	-	-	-	-	-	-	1 do.
Total in Provinces of Taranaki and Wellington -							13 do.
7. At Napier, Province of Hawke's Bay -	-	-	-	-	-	-	4 do.

The force will be armed and trained with a special view to the service required.

About one tenth of the men will be mounted, part trained as artillerymen, and the whole taught to ride.

It is proposed to post the detachments in good natural positions, with the view of forming centres round which the population on the frontier may rally in times of danger. The reserves will occupy central positions. In addition to the Constabulary force, Ministers propose to maintain one small steamer for service upon the Waikato, and to visit occasionally the Patea and Wanganui Rivers.

In considering the question of the internal defence of the Colony, it must be borne in mind that in addition to the ordinary Militia and Volunteers, numbering 6,165 men in the Northern Island, there are upwards of 4,000 settlers who hold their land under a quasi military tenure. Of these some at least are liable to serve for the next eighteen months in any part of the Northern Island of New Zealand. In the Waikato district, the location of these men upon their farms has commenced, but the large majority of them are still on pay; and Ministers propose to retain on pay a sufficient number to garrison the necessary posts, until the Constabulary force is raised.

The following financial estimate will show, with sufficient accuracy, the annual amount to be provided.

Constabulary force of, say 1,500 men -	-	-	£127,000
Militia and Volunteers -	-	-	30,000
Steamer -	-	-	5,000
Contingencies -	-	-	25,000
			£187,000

It is thought that there will be no difficulty in obtaining the requisite number of men from the regular troops at the rate of 1s. 6d. a day pay, with rations and clothing. Upon this the foregoing calculation is based, but should the men be enlisted from the civil population, the sum of 59,000l. must be added to 187,000l., making the total 246,000l.

Ministers here observe, that it is an indispensable condition of their proposed plan, that the whole Colonial force should be under the absolute control of the Colonial Government.

In submitting these plans for providing for the internal defence of the Colony upon the withdrawal of Her Majesty's land forces, Ministers desire at the same time to point out the means which the Colony has of giving effect to these plans, as well as the limits within which it is necessary to confine their Military expenditure. If a stop is put to the present war expenditure, the Colony will, as Ministers believe, be able to bear the charge they propose to undertake, but not otherwise. At the present moment indeed, they are dependent on advances from their Bankers for the means of providing for current expenditure. They owe their Bankers on an overdrawn account upwards of 250,000l., which it is intended to repay by sale of Colonial securities; but as yet they have been unable to find a sale for them to any considerable extent. Ministers have made, as they believe, arrangements which will enable them to take advantage of any improvement in the London money market, but they wait advices from London. Meantime, they are in peril, at any moment, of their Bankers refusing to make their current payments.

This state of things, though full of anxiety and difficulty, is, however, as Ministers hope and believe, only temporary. The remainder of the three million loan of 1863, bearing an increased rate of interest at 6 per cent., and the one million short dated debentures authorized to be raised in anticipation of such loan, will no doubt in due time find purchasers in the London money market.

The loan account may then in round figures be stated approximately thus:—

Raised and expended by the late Government -	-	-	£1,000,000
Transferred to the Imperial Government on account of claims -	-	-	500,000
Required to repay overdraft to Bankers, including interest, &c. -	-	-	300,000
Repaid debentures of 1863 -	-	-	100,000
Paid Taranaki compensation claims -	-	-	120,000
Outstanding account, sundries to present time, say -	-	-	100,000
			£2,120,000
To this must be added for construction of roads -			-

The current expenditure at the rate of nearly 60,000*l.* per month cannot suddenly be arrested even by the most energetic measures for that purpose. It is impossible to make an approximate estimate of what this may amount to.

Still, by stopping the present war expenditure as speedily as possible, and with some temporary assistance from the Imperial Government, enough may, it is hoped, be saved out of the three million loan to provide, say, for a period of five years for the extraordinary charges of internal defence now proposed to be undertaken. If the present expenditure is suffered to go on, and the loan is thereby exhausted, as it rapidly will be, Ministers have no expectation that the Colony will be able financially to assume the charge of its internal defence within any assignable space of time.

It may be hoped that at the end of, say, five years, the extraordinary charges of internal defence now proposed may cease to be required, and the Colony resume what may be termed its normal scale of expenditure; but this is obviously dependent on conditions which must be uncertain. Ministers can only make calculations founded on probabilities.

In the foregoing estimates nothing has been taken into account as receivable from sale of land. It may be that portions of the confiscated blocks may be available for sale after satisfying the claims of immigrants and military settlers, as well as of friendly Natives, and rebel Natives who may come in in accordance with his Excellency's proclamation. But these claims must be satisfied in the first instance on a liberal scale, and no considerable immediate relief to our finances can be expected from the residue which may be open for sale. Out of the proceeds thereof the Colony must satisfy claims for compensation to Natives and others for lands taken for Military settlements, the expenses of immigration, location of settlers, surveys, and a variety of other charges which will, in the opinion of Ministers, be barely covered by any amount which can be expected to be at once realised from the sale of land.

It may be said that by increased taxation, on the one hand, and rigid economy, on the other, the current revenue may supply means for providing for the internal defence of the Colony. It must, however, be borne in mind that the ordinary expenditure of the Colony is, or will be shortly, burdened with interest on loans to the amount of nearly 200,000*l.* a year.

Ministers have already raised the Customs Tariff to the extreme limit which can be borne. Indeed, they may be obliged to diminish it in order to avoid smuggling, for which the present high rate of duty upon some articles offers great temptation.

They have under consideration other kinds of taxation, but it must not be expected that these will make a sensible increase to the Revenue.

Assuming then the Revenue not to be capable of increase except to a moderate extent, can the ordinary expenditure be perceptibly reduced? This question can only be answered by those acquainted with the circumstances of the Colony, and Ministers fear that no perceptible reduction of the ordinary Civil expenditure is practicable.

In elucidation of this point, Ministers transmit a copy of the estimates for the years 1863-4 and 1864-5, together with the copy of the statement made in the House of Representatives in 1864 by Mr. Fitzherbert, the Colonial Treasurer.

But it may be said that the General Government ought to avail itself of the whole of the Ordinary Revenue without allocating to the service of the Provincial Governments (as at present) $\frac{2}{3}$ ths of the Customs which has been wrongly termed "Surplus Revenue." This again is a question which cannot be rightly understood except by persons acquainted with the local circumstances of the Colony. It is true that upon the face of the estimates there is an apparent surplus of ordinary Revenue which goes to the Provinces. The Provincial Governments are thereby enabled to carry on various departments of the Public Service, the charge of which would otherwise fall upon the General Government. The Provinces pay in fact the bulk of the local expenditure, the local administration of justice, police, the maintenance of hospitals, gaols, and the like. Apart from all political considerations, and without touching upon the consequences which would result from destroying the present Provincial establishments, in point of economy the General Government would save little or nothing by taking upon itself the charges now borne by the Provinces, as of course it must do, should it take to itself the whole Revenue.

By degrees the Provinces are making provision for some of their present charges by municipal taxation. By this means, it may be hoped, that the ordinary Revenue of the Colony may eventually be considerable disburthened, but no sensible relief can be expected at present from this source to the Colonial finances.

It may be said that the Territorial Revenue ought to be made available towards the war expenditure; that is, that the Territorial Revenue of the Middle Island (which alone is of considerable amount), should be taken to pay for the internal defence of the Provinces of the Northern Island. It would be needless to discuss such a proposition which would be simply impracticable; it would be in breach of solemn engagements entered into between the respective Provinces, and would defeat the rights of Provincial Creditors who have lent money to the Provinces upon the faith of existing arrangements.

But independently of this, such a diversion of the Territorial Revenue would simply destroy the Revenue itself. A large price, for instance, is given by purchasers of land in Canterbury, under a system according to which the proceeds of the land sales are laid out reproductively upon immigration, roads, and public works. Should the land fund be no longer applied to those objects, the reason for exacting a high price for land ceases, and land will probably be given away at Canterbury as in Auckland by way of encouragement to immigrants.

According to all true principles of Colonial economy, the money raised by sale of waste lands should be applied to objects calculated to give value to the land. Upon that principle the Colony has hitherto proceeded in reference to the disposal of its waste lands and land fund, and it will not voluntarily depart from it.

It follows that the expense of the future internal defence of the Colony, according to the plan proposed by Ministers, must for the next few years be mainly provided for by loan; but it can only be done by now stopping all the present war expenditure. Ministers, therefore, propose at once to take the necessary steps for this purpose, and to direct all their measures towards the objects which they have in view.

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Independently of economical considerations, they believe this to be the wisest course which they can take. They believe that by at once facing the danger which lies before them, they may diminish it. It will in fact be safer at once to withdraw the troops from the Waikato, placing that district in a posture of self-defence without reliance on the presence of troops, than to go on from month to month, or year to year, inevitably weakening in the settlers those habits of self-reliance on which they will be compelled to fall back at last.

The same may be said of each of the other districts, particularly as regards Taranaki and Wanganui as soon as military operations in those districts are brought to an end, which, as Ministers suppose, may now be done in the course of a few weeks.

Ministers assume, as a fixed condition of these proposals, that the Colonial Government will receive the firm and unwavering support of the Imperial Government in maintaining the unity of the Colony with its seat of Government, established, as at present, in a central position.

Wellington,

March 20, 1865.

(Signed) F. A. WELD.

No. 3.

No. 3.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 39.)

Government House, Wellington, April 3, 1865.

SIR,

(Received July 6, 1865.)

(Answered, No. 51, 26 July, 1865, page 220.)

Encl.

I have the honour to transmit for your information a copy of a letter I have received from Sir D. Cameron, reporting the defeat of a party of rebel Natives by Her Majesty's forces in a skirmish which took place on the 13th of March near the river Patea.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Encl. in No. 3.

Enclosure in No. 3.

Mar. 13, 1865.

SIR,

Head Quarters, Camp Katawarea, March 13, 1865.

I HAVE the honour to forward for your Excellency's information, the enclosed report received from Colonel Weare, 50th Regiment, commanding the field force in this district.

I have, &c.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) D. A. CAMERON,
Lieut-General.

SIR,

Kakamarea, March 13, 1865.

I HAVE the honour to report for the information of the Lieut-General commanding, that agreeably with his orders, the field force under my command moved out from our position on the Patea river at 7 A.M. on the 13th instant, with the object of advancing to this village. After advancing some three miles, the right flank of our line of march was commanded by a range of hills, affording a very strong position, which the enemy did not fail to occupy, and from which they opened fire. The advanced guard composed of the 57th Regiment, under command of Major Butler, then changed direction to the right, and supported by a portion of the 68th Regiment, commanded by Lieut-Colonel Morant, and a company of the 50th Regiment in charge of Captain Johnson (the remainder of the regiment under command of Major Lock being held in reserve) advanced upon the enemy and drove them from their position after a stout resistance, while a few rounds were fired under the direction of Lieut.-Colonel Williams, from the Armstrong guns.

During the whole of the skirmish, the mounted Military Train, and the few Wanganui Defence Corps attached to them under the command of Captain Witchell, were to be seen with the advance, availing themselves of all ground that admitted of their closing with the enemy.

A company of the 57th Regiment with Captain Sir Robert Douglas followed up a portion of the enemy on the extreme right, along a range of hills overhanging the river which separated them from the main body, and I was much pleased in watching the way in which he worked his men.

I beg to bring the name of Serjeant O'Connor, 57th Regiment, to the Lieut.-General's notice as being conspicuous for his soldierlike bearing under my own observation.

I need not call the attention of the Lieut-General to Major Greaves, D.A.Q.M. General to the field force, who is so conspicuous on all occasions for his energy and daring, but I feel it my duty to record my thanks to him, as also to Captain Leach, D.A.A. General, for their assistance.

I cannot conclude without recording the debt we all owe to Staff Field Surgeon Home, whose anxiety to be ready to aid any wounded, led him to be always up with the advance, and I know that his kind attention and sympathy to the wounded during the campaign, is much felt by the soldiers.

I estimate the loss to the enemy at 40 killed.

I have, &c.

The Military Secretary,
&c. &c.
Head Quarters.

(Signed) H. E. WEARE,
Colonel commanding Field force.

Nominal Return of Killed and Wounded at Ti Awi, March 13, 1865.

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Corps.	Regt. No.	Rank and Names.	Age.	Service.	Killed.	Wounded.	Remarks.
KILLED.							
57	764	Private - James Mion	-	3	Killed.		
WOUNDED.							
M. Tr.	1989	Private - George Nicholes	-	25	7	Wounded -	Severe.
57	2801	" Robert Bates	-	28	11	do.	Very severe.
68th	3285	Lance Sjt. John Castles	-	28	10	do.	Severe.

The Assistant Military Secretary,
&c. &c. &c.
Head Quarters.

(Signed) J. MOUAT,
Inspector General,
P. M. O.

No. 4.

No. 4.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 40.)

Government House, Wellington, April 4, 1865.

(Received, July 6, 1865.)

SIR,

(Answered, No. 50, July 26, 1865, page 217.)

My Responsible Advisers have requested me to forward the enclosed petition from the inhabitants of Hawkes Bay to the Queen, praying that Her Majesty will be pleased to withhold her assent from any measure which may have for its object the dismemberment of the Colony, or the alteration or suspension of the present constitution of New Zealand.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure in No. 4.

Encl. in No. 4.

SIR,

Napier, March 3, 1865.

I HAVE the honour of transmitting you a petition from the inhabitants of Hawkes Bay to the Queen, and trust that you will have no objection to present the same to His Excellency the Governor for the purpose of being forwarded to Her Majesty.

I may add that, so far as I am aware, not a dozen settlers of this Province have declined to sign this petition.

The Hon. the Colonial Secretary, of New Zealand,
&c. &c. &c.
Wellington.

I have &c.
(Signed) ED. AUG. CARLYON.

To the Queen's most Gracious Majesty.

The Petition of your Majesty's faithful subjects, inhabitants of the Province of Hawkes Bay, in the Colony of New Zealand, humbly sheweth:—

That your petitioners emphatically deprecate the exertions which are being made towards the dismemberment of the Colony of New Zealand by an attempt to obtain the severance of the Province of Auckland from the rest of the Colony under a separate constitution.

That your petitioners are of opinion that any division or disintegration of the Colony of New Zealand would seriously augment the cost of its government, would undermine its credit, would tend materially to impair the peace, order, and good government of the Colony, and would consequently be highly injurious to its best interests.

That your petitioners are convinced that it is absolutely essential to the welfare of both races of its inhabitants that New Zealand be preserved as one Colony, whole and undivided; and that any attempt to tamper with its present constitution would inevitably either prolong the present dissensions, or provoke further disturbances among its Aboriginal inhabitants, and thus destroy the earnest hope of the Colonists of forming one great and prosperous community destined to become one of the brightest ornaments of the British Crown.

Your petitioners, therefore, humbly pray that your Majesty will be graciously pleased to withhold your assent to any measure which may have for its object the dismemberment of the Colony, or the alteration or suspension of the present constitution of New Zealand.

Here follow the signatures.

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No. 5.

No. 5.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 41.)

Government House, Wellington, April 4, 1865.

(Received, July 6, 1865.)

SIR,

(Answered, No. 62, August 9, 1865, page 225.)

My attention was yesterday called to a statement made by Mr. FitzGerald in a letter to Mr. Adderley, dated the 14th of November last, and by the latter gentleman inserted in the "Times" newspaper.

The statement is as follows: that I obtained permission to erect on some land in Waikato, belonging to a man named Te Wheoro, a school-room and court house; that I then had a plan made of a strong bullet-proof military redoubt, capable of containing a strong body of troops; that this was sent up into the Waikato, but the moment it was commenced the Natives saw what was meant, and took alarm; that they pulled it down, and threw the timber into the river; and that the effect of such an act of treachery on the Native mind can be well imagined.

I beg to state that this allegation, as made, is wholly and absolutely untrue, and that both Mr. FitzGerald and Mr. Adderley have acted most improperly in giving it currency in England as they have done. Mr. FitzGerald especially has acted most wrongly, as he is a member of the General Assembly which met in November last, a few days after he wrote his letter, when he could, if he really desired to elicit the truth, have brought the subjects alluded to in his letter forward, where they would have been fairly met and answered.

The enclosures to this Despatch will prove as follows:—

Upon the 30th of November 1861 it was arranged with my Responsible Advisers that the Colonial Ministers in New Zealand were to assume the same responsibility in Native affairs as in all other matters, and that the Governor was, in relation to Native affairs, to act under their advice. This arrangement continued in force until August 1862.

During its continuance my Responsible Advisers, in pursuance of a system established under the authority of Her Majesty's Government, and approved by the General Assembly of New Zealand, enrolled a police force on the Waikato river, in which body of men was included Te Wheoro and some of his followers.

Enclosure No. 1.—J. Armitage to the Hon. H. Sewell, 30 April 1862; and copy of Instructions, 24 Feb. 1862. Letters 28 May 1862 and 4 June 1862.

Upon the 30th of April 1862 my Responsible Advisers, at the request of this chief Te Wheoro, determined to erect a court-house upon his land.

Encl. No. 2.
J. Armitage to
the Hon. H.
Sewell,
22 May 1862.

About the 20th of May 1862, the so-called Maori King, who had been making a kind of progress through the Thames district, and had been threatening with penalties any person who might sell land to Europeans in that district, visited with his followers the place of the chief Te Wheoro, and forbade him to build a court-house on his own land, making very serious threats as to the course that should be pursued if he persisted in his intention to do so.

I beg to explain that the refusal of the so-called Maori King and his adherents to allow the administration of law within a large portion of Her Majesty's possessions in New Zealand was about this time assuming a most formidable character, and must shortly have led to collision. For instance, about three months after the occurrence now referred to, a young English girl, only 13 years of age, was seized by a Native on the high road, near the English town of Whanganui; the Native attempted to ravish her; the girl's father heard her screams, and came to her assistance, and the Native escaped, but was shortly afterwards arrested on the charge of an assault with intent to ravish, when he was rescued by the adherents of the so-called Maori King, who stated they would not permit a Native to be made amenable to the jurisdiction of our courts for any offence whatever. It was impossible that Englishmen could submit to such a state of things. The real question at this time was this: was our jurisdiction, or that of the so-called Maori King, to prevail even in the vicinity of our own settlements?

It was for this object that they forbade the erection of a court-house at Te Wheoro's village, although that village lay at no great distance from land the property of Europeans.

Encl. No. 3.
Mr. Gorst's
letter, June 28,
1862.

On the 28th of June 1862, I was advised, in the manner then usual, that a barrack for the accommodation of a Native police force should be added to the court-house which was about to be built.

Te Wheoro had explained to me the danger in which he was placed by having joined the Government, and having taken office under it. I thought that he ought to be allowed to protect himself from violence in his own village, and that preparations should

be made to resist the rebellion which I feared was about to break out, and I therefore acquiesced in the advice tendered to me.

The timber necessary to construct a police barrack on Te Wheoro's land was, under these circumstances, prepared, and eventually taken there with the assistance of the chief and his tribe, and to their great satisfaction, when the adherents of the so-called Maori King, who had declared they would punish him if he persisted in his design, assembled in great numbers, and, in spite of a strenuous resistance on the part of Te Wheoro and his people, rafted the timber down the river.

Te Wheoro and his tribe have remained our faithful friends to the present time, and have on repeated occasions rendered us the most active and energetic assistance.

I beg to add that the other statements in Mr. FitzGerald's letter regarding my proceedings are quite as untrue as the unfounded charge which I have alluded to in this despatch.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

NEW
ZEALAND,
Encl. No. 4.
Memo. of the
Governor on
Mr. Gorst's
letter of June
28, 1862.

Enclosure 1. in No. 5.

Encl. 1 in No. 5.

Sir,

Resident Magistrate's Office. Lower Waikato,
April 30, 1862.

I HAVE the honour to request that the sum of fifty pounds (50L.) may be paid to me or to my account at the New Zealand Bank on account of the sum of 100L. which, by your instructions of the 24th February last, I am authorized to expend on buildings for Court-houses at Taupari and Kohekohe.

I have let the contracts for timber for these buildings, and shall have payments to make on account thereof very shortly.

The Hon. H. Sewell,
Attorney General, Auckland.

I have, &c.
(Signed) JAS. ARMITAGE.

EXTRACT from the Attorney General's instructions to Mr. Armitage.

Sir,

Attorney General's Office, Auckland,
February 24, 1862.

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3. Court-houses.

The Governor having promised the Ngatitipa Ngatinaho Runangas that aid should be granted towards the erection of Court-houses at Taupari and Kohekohe, I have to convey to you authority to incur an expenditure not exceeding 100L. (50L.) each, on those buildings.

The whole sum yet appropriated for Court-houses in the Bay of Islands district being only 100L., the question of a further expenditure beyond that sum in your district is reserved till the return of Mr. Fox.

James Armitage, Esq.
Resident Magistrate, Lower Waikato.

I have, &c.
(Signed) HENRY SEWELL.

Sir,

Waikato, May 28, 1862.

I HAVE the honor to acknowledge the receipt of your letter of the 22nd inst., informing me that the sum of 50L. has been paid in to my account at the New Zealand Bank on account of the sum of 100L. authorized for the erection of Court-houses at Taupari and Kohekohe.

As my official duties are in all probability about to terminate, I cannot apply this sum for the objects for which it is granted, and I have therefore to request the favour of your instructions as to same.

As the amount is paid into my account I propose (with your sanction) to credit myself with it in the account current, which I shall shortly forward you, in accordance with your instructions to that effect of the 24th February last.

The Hon. H. Sewell, Attorney General.

I have, &c.
(Signed) JAS. ARMITAGE.

Resident Magistrate's Office, Lower Waikato,
June 4, 1862.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 29th ultimo, informing me that the Government do not see any reason why the erection of the Court-house at the Kohekohe should be delayed or abandoned.

NEW
ZEALAND.

I beg to inform you that I have communicated this intimation to Wiremu Te Wheoro, the principal assessor there, and that the sawing of the timber for the construction of such Court-house is being proceeded with.

The Honourable H. Sewell,
Attorney General.

I have, &c.
(Signed) JAS. ARMITAGE.

Encl. 2. in No. 5.

Enclosure 2. in No. 5.

Resident Magistrate's Office, Lower Waikato,
May 22, 1862.

SIR,

I HAVE the honour to inform you that Matutaera's party, on returning from a feast at Hauraki, held a Runanga at the Kohekohe in reference to the proposed Court-house there, which by section 3. of my instructions of the 24th February last was sanctioned by the Government.

They seriously warned Te Wheoro not to build it, and many very serious threats were made as to the course they should pursue in case he persevered.

I have taken much trouble in investigating the whole matter, and have come to the determination that it would be the most advisable course to proceed with the building, regardless of these threats.

The owners of the land on which the building is proposed to be erected are consenting parties, and have no connexion with the King movement whatever.

I would beg to suggest, however, that the matter should receive the serious attention of my successor in office, as Te Wheoro is rather inclined to treat the subject with a high hand, and I have had considerable difficulty in inducing him to consent to moderate his zeal. This remark will also apply generally to the proceedings in his Hundred, as the King party are very jealous of the footing the new institutions have gained there, and are anxiously watching for a pretext for a quarrel with Te Wheoro and his tribe. Great moderation and forbearance must be exercised here, both on the part of Te Wheoro and the Resident Magistrate for the reasons before stated.

The Honourable H. Sewell,
Attorney General.

I have, &c.
(Signed) JAS. ARMITAGE.

Encl. 3. in No. 5.

Enclosure 3. in No. 5.

WAIKATO DISTRICT.

I assume that in the present state of this district the policy of the Government should be specially directed to the following objects:—

(1.) To devise means by which the young men of those tribes who already acknowledge the Queen's sovereignty, as well as those who are not amenable to the influence of reason, and are chief promoters of all mischief, can be attached to the British Government.

(2.) To provide some instrument by which obedience to law can be enforced without the risk of provoking a war of races.

(3.) To exhibit to the disaffected tribes of the Upper Waikato the results of submission to British authority by at once proceeding to govern and civilize the well-affected tribes of Lower Waikato (if such exist).

To attain these objects I suggest the following means:—

(1.) The organization of a strong preventive police in the Lower District.

(2.) The establishment of an efficient industrial school for big boys at Otawhao in the Upper District.

(1.) The best place for attempting to initiate such a force is at Meremere.

William Wheoro is going to build a court-house; let a barrack for the accommodation of a police force be added to it.

Let it be large enough to accommodate 60 men.

The members of the force should be young, able-bodied, and not taken exclusively from any one tribe.

It is better that the corps should be at first small, than have any but the most select men admitted into its ranks.

The men should be dressed in uniform, and well lodged and fed.

They should be carefully and constantly drilled by a sergeant, who could no doubt be procured from the regiments stationed at Pokeno for that purpose.

Arms should not be put into their hands until they could be thoroughly trusted. In the meanwhile the men would bring their own muskets with which to learn the drill.

The men should be paid at the rate of 6d. a day. (This is double the King's pay.)

At the outset, in order to inspire confidence, I would give notice that every man was at perfect liberty to leave whenever he chose to do so.

This corps would, in my opinion, attract recruits from the upper part of the river, provided that the pay and accommodation was superior to that which can be afforded to the King's soldiers.

Every means should be adopted to promote esprit de corps.

In order to make the service more attractive, and at the same time civilizing, there should be attached to the corps a carpenter, a blacksmith, and a schoolmaster.

The men should be paraded for morning and evening prayers, and have certain hours during the day for school instruction.

Each man should also be employed during part of the day in either the carpenter's or blacksmith's shop according to his own choice.

Ample time must be reserved for rest and recreation.

Scrupulous cleanliness must be enforced in their persons, their clothing, and their bedding.

The duties of the force would be to arrest dangerous offenders, to carry out the sentences of the civil magistrate, such as confinement in the guard room of the barrack, or enforced labor, to protect the district against incursion from lawless tribes, and to interfere at the command of Government to prevent bloodshed in inter-tribal wars.

Until thoroughly disciplined and accustomed to obey the commanding officer, and until there existed a strong esprit de corps, the force would have to be employed with the utmost caution. It must not be set to fulfil hard tasks in its infancy.

The people of Waikato and of all New Zealand should be fully informed of this design on the part of Government.

For this purpose several articles should be written in the "Maori Messenger," and widely circulated, setting forth the lawlessness and anarchy of all Native Districts, and especially of the Waikato, and proving that this step is absolutely necessary for the preservation of peace in the country.

Should this experiment succeed, it can be at once repeated in other places.

If funds would permit, the police service might hereafter be separated from other Departments of Government, and centralized as much as possible, by the appointment of Chief Commissioner of Police for the whole Island, with subordinate Local Commissioners.

A body of police thus organized would discharge the function of preventive police for European as well as Native Districts.

(2.) In the Upper Waikato it is not possible to organize a police force without provoking the hostility of the King's adherents before it would be strong enough to resist with success; neither do I see any possibility at present of obtaining the command of any of the numerous bodies of armed police which already exist in that district.

I propose to establish in that district an industrial school for big lads and young men, which may grow into a police station hereafter.

Mr. Taylor, inspector of Native Schools, has informed me that the consent of the Reverend John Morgan can be obtained to place his school and school premises at the disposal of Government for this purpose.

The consent of the Church Missionary Society, who own the land, and of the Church of England Board of Native Education, who manage the school, has also to be obtained.

This could, no doubt, be done, as the school is at present in a very poor way, and the Government would undertake to restore both school and premises, probably in an improved condition, into their hands, as soon as the purpose for which the management is temporarily desired has been accomplished.

There are a very few girls at the school, who must be got rid of.

There are four or five big boys to start with, and I have not the slightest doubt that many more can be obtained from the neighbourhood and elsewhere.

The boys must be fed and clothed well, and kept very clean.

I propose that Mr. Marsden Clarke, my present clerk and interpreter, should be put in charge. He is practically acquainted with farming, and with the way of managing Native boys.

There is a good carpenter and a blacksmith living in the neighbourhood, whose services could be engaged to teach the boys their respective trades. Their labour could be employed in repairing and improving the school premises, and the Government property at Otawhao.

Mr. Taylor can provide a trained teacher.

The hours of labour and study should be strictly limited, and games of all kinds taught and encouraged.

SIR,

Auckland, June 28, 1862.

In continuation of my letter of this date, I have to represent to your Excellency that besides the assistance required from the military authorities, the following things are requisite for establishing the police station at Kohekohe, and the industrial school at Otawhao.

(1.) For the police station at Kohekohe:—

An authority to draw such sums of money as are needed from time to time for the payment of sawyers, the wages of the policemen, and the general expenses of the establishment.

(2.) For the Otawhao schools:—

Authority to engage the services of Mr. Chitham to alter and repair the premises.

Authority to promise Mr. Marsden Clarke an increase of salary on his undertaking the duties of general manager of the school.

Instructions to Mr. Taylor, the inspector of Native schools, to send up a European teacher.

Authority to incur any expenses necessary for feeding and clothing the boys at the school.

I have, &c.

His Excellency Sir George Grey, K.G.C.

(Signed) J. E. GORST.

&c.

&c.

&c.

Enclosure 4. in No. 5.

Encl. 4. in No. 5.

MEMORANDUM of the GOVERNOR on the letter of Mr. GORST.

In the present state of the Waikato Natives, I think it of the utmost importance that every effort should be made to obtain every position we can on the Waikato river. I have therefore written to the General, begging him to give Mr. Gorst every aid in carrying out his plans, and the General Government should do so also.

(Signed) G. GREY.

NEW
ZEALAND.

No. 6.

No. 6. COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 42.)

Government House, Wellington, April 6, 1865.

(Received, July 6, 1865.)

(Answered, No. 50, of July 26, 1865, page 217.)

SIR,

It is with the very greatest concern that I transmit to you the enclosed papers relating to the murder of the Reverend Mr. Volkner at Opotiki on the 2nd of March last.

Mr. Volkner was murdered by hanging close to his own church. His murder was attended by circumstances of deliberate and shocking barbarity.

From the letter written by Mr. While, enclosed in this Despatch, it will be seen that Kereopa, the person chiefly concerned in this murder, and the atrocities which attended it, started with his companions from Warea near Taranaki, with the baked head of a European soldier, for the East Coast. In the afternoon preceding the night (the 14th of March) in which I heard of the murder, I learnt at Whanganui, to my horror, that this head had been passed on through the Upper Whanganui district, with the assent of one of the leading chiefs there, for the purpose of rousing the East Coast Natives against the European population.

I cannot communicate to you this most distressing information, without adding that Mr. Volkner was one of the most amiable, devoted, and gentle missionaries that I have ever met with.

I have, &c.

(Signed) G. GREY.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Enclosure No. 1.

Enclosure No. 2.

Encl. 1 in No. 6.

Enclosure 1. in No. 6.

Letter from H. E. RICE, C.S., to the Honourable the Native Minister, Wellington.

SIR,

Wellington, March 29, 1865.

I HAVE the honour to report, that, in accordance with instructions received from the officer commanding the Tauranga District, I proceeded in H.M.S. "Eclipse" to the East Coast, on the 11th instant.

Calling off the Kawakawa road, I forwarded a communication to Mr. White, and advised him of our intended return to pick him up if he wished to leave; and on Monday the 13th we anchored off Turanganui.

I accompanied Bishop Selwyn and Commander Freemantle to Bishop Williams' station, where we found about 300 Natives (nearly all armed); they had assembled to consider what steps were to be taken relative to the Pai Marire fanatics, then only 1½ miles distant from the station. A request had been sent by them (Pai Marires) to the Resident Natives to be allowed to pass through Turanga; this and other matter caused the assemblage we saw.

Bishop Selwyn addressed them at some length, principally relative to his conduct in Waikato. I was requested to speak to them, and, briefly referring to the late murder, asked them if they were prepared as loyal Natives to arrest the murderers. They declined, and gave as their reason their fears for Mr. Grace's safety. This gentleman had been left at Opotiki in the supposed safe-keeping of the Whakatohea. From Mr. E. B. Clarke I learned that there was a feeling tending favourably towards these fanatics, and that they had made the same reply to him when he volunteered to go out and take the party (only 30) prisoners.

Two Natives were detached to accompany us to Tauranga, with a letter from the Runanga to Hori Tupaea. This chief was to be sent to Opotiki in exchange for Mr. Grace. I enclose translation of the letter; the original I did not get.

We left Turanga on Tuesday the 14th, and called off Kara Kara roads. No answer had been received from Mr. White.

We spoke the "Lady Bird" after leaving the roads, and the Messrs. Williams came on board. I then proposed to Captain Freemantle that we should endeavour to procure Mr. Grace's release by sending the two Natives ashore at Opotiki; he approved, but the Messrs. Williams dissented, on the grounds that Mr. Grace would be subjected to fresh indignities so soon as the man-of-war was sighted.

We called at Omaio, and from this place I sent messages to Tatana and Wm. King, friendly Natives residing at Tunapahore, asking them to come off to us at that place. We anchored off Tunapahore, and waited for the Natives, but they did not make their appearance; so at daybreak we steamed to Opotiki, anchoring in the road, about one mile from the mouth of the river. We took the Natives in the boat to the shore, and pulled on board, awaiting the result. Shortly after this a boat came off; it contained Mr. Levy and brother, and three others. From Mr. Levy I learned that William King (the Native referred to above) was in Opotiki, and wished to come on board the "Eclipse." I asked him to fetch him; and he left us to do so, leaving his brother only on board our vessel. About an hour passed, and the boat returned, Mr. Levy bringing Mr. Grace with him, and not Wm. Kingi.

The reverend gentleman had escaped, and to Mr. Levy he is indebted for his safety.

It appears that on our landing the two Natives, the resident people went inland two miles to a Runanga. Our Natives and Wm. King accompanied them, and as usual every one cleared out of Opotiki village to hear the news, leaving Mr. Grace his own keeper. Mr. Levy found him alone, and, after securing some of his own property, took him into the boat and brought him off.

I accompanied Lieut. Belson in charge of two boats to tow out the schooner "Eclipse." She was lying at the mouth of the river, waiting a fair wind, bound to Tauranga with a letter to the Government, conveying the terms upon which Mr. Grace would be released. All but one European (a Dr. Agassiz) were on board, and in about two hours she was anchored astern of us in the road. During the next 14 hours, we were negotiating for the return of our two Natives, who were detained because of Mr. Grace's escape. On the Friday morning about 8 a.m. they were released and came on board.

A very large number of Natives came on the beach, and carried on their antics round their Pai Marire flag, which they had planted between two boat ensigns; they seemed to be all armed, and in the conversation I had with them (at about twenty yards distance) assumed a very dictatorial tone.

The two Turanga Natives are now at Mr. Chapman's.

Mr. Levy, senior, took his passage with us in the "Eclipse" to Auckland, at which place we arrived on Saturday at 9 p.m. the 18th inst.

The Honourable the Native Minister,
Wellington.

I have, &c.
(Signed) HENRY E. RICE, C.S.

No. 1.—Translation.

FRIEND HORI TUPAEA,

Turanga, March 13, 1865.

SALUTATIONS to you. This is a word to your from the Committee of this place. The Tiu of Te Horopapera has arrived here to-day. We have been considering what to do respecting Mr. Grace and Mr. Volckner. One (the latter) is dead; Mr. Grace is alive. It is about those that are safe that this our word is going to you.

Friend, do you come and fetch Mr. Grace, and take him to Waitemata. We have seen the bishop, the captain of the man-of-war, and Mr. Rice. The Committee asked them to have you brought back, and Bishop Selwyn tells us that you are now in Tauranga. The chiefs of this Committee have spoken to the Tius of Horopapera and asked for Mr. Grace. They replied, Let Hori Tupaea get back Mr. Grace.

Now, O friend! return to us our loving friend (*i.e.* be instrumental in getting back Mr. Grace); have respect to this our request and the Governor's.

(Signed) The RUNANGA.
TURANGA.

No. 2.—Translation.

To the Office of the Government, Auckland.

Opitiki, place of Canaan,
March 6, 1865.

FRIENDS,

THIS is a word to you. Mr. Volckner, minister, is dead. He has been crucified according to the laws of the New Canaan, in the same manner as it has been ordained by the Parliament of England that the guilty man be crucified. Mr. Grace, minister, is captured, and is in the prison house of the law of the New Canaan, which was arranged by us in the same manner as that which the Parliament of England instituted—that the guilty man be imprisoned. Friends, do not you say, "What was the origin of that sin?" This alone was the origin,—the deception practised upon our Island by the Church. That Church said they were sent hither by God, but now we are aware that they were sent by the knowing Society of the Church of England.

In the second place, the sin of the Governor at Raugiriri, his cruelty; the women are dead. Thirdly, Raugiaobia: the women were shot; that is a sacred law of the Governor's. We are aware, with regard to those laws that they were made by the authority-suppressing Committee (Parliament) of England. Why is not the Governor ashamed at the great number of his authority-suppressing laws, land-seizing (laws), (laws) practising deception upon our bodies. You say again to me that I must give up my guns and my powder to you. You, perhaps, thought to treat us like pigs. You, perhaps, wished us to give up our guns lest we shoot you. You, perhaps, think it not possible to kill men with wooden weapons.

Friends, our Island now is aware of your doings. Listen. You catch the Maoris; I also kill the Pakehas. You crucify the Maoris, and I also crucify the Pakehas. But now release (unto us) Hori Tupaea and his companions, and we will then let Mr. Grace go; but if you withhold Hori Tupaea and his companions we will also withhold Mr. Grace. If you are pleased with my word give* (the reply) to be Jew; he will bring (it) to me, and we will also give up Mr. Grace.

That is all the word.

The Committee of NGATIWA, WHAKATOAEA,
UREWERA, and TARANAKI.

SIR,

Civil Commissioner's Office, Tauranga, March 6, 1865.

I HAVE the honour to forward for your information copies of letters enclosed to me by Mr. Commissioner Smith, relating to the proceedings of the Pai-marire Tiu's at Te Whaiti, and Whakatane.

The officer commanding this district has been supplied with copies.

I have, &c.

The Honourable the Native Minister,
Wellington.

(Signed) HENRY T. CLARK,
Civil Commissioner.

* This may mean *entrust Hori and his companions to the keeping of Mr. Levy, for him to conduct them to Opotiki.*—"Translator."

NEW
ZEALAND.

EXTRACT of a letter from Miss Wallace.

Poronui, Whakatane, February 21, 1865.

ON Saturday last, a large party of "Pai-mairies" arrived at Kopeopeo from Taranaki and Taupo, bringing with them a British soldier, a prisoner, and the head of Captain Lloyd, which they exhibited with a cap of the 70th on. They pretend to make it speak.

* *Kati-to shut.*

They have put a cut on this Port, and have laid down the law here that no vessels are to be allowed to come here under pain of being taken, and all on board put to death. Our informant, a European, who has been watching and listening to all that has been going on, says he is afraid the Ngatipukeke will not dare to resist them, as they are in great terror of them; they left for Opotiki on Monday morning, leaving behind a party to watch that the cut is not broken.

At Opotiki, they will do the same, and were heard to say that they would give the Rev. Mr Völkner orders to leave, and if he refused he would be killed; if the Whakatohea refused to do it, they would.

We have promised an informant to try and get notice sent to Mr. Völkner not to come to Opotiki at present, but to wait in Auckland till he hears how the Opotiki people will act.

Please to let him know as soon as possible, in case he should come by next trip of the "Eclipse."

The intention of "Pai-marire" is to do all they can to raise the people on this coast as far as Tauranga, and then return in great force on Maketu and Tauranga.

There are about sixty bushels of wheat to be ground, and then a runanga will be held here; and if they agree to submit to the Pai-marire, I do not know how we are to get away if the "Kate" does not come here again. What shall we do? As Hohaia and Hori are sending letter(s?) to you, they will, no doubt, give you an account of the whole affair. We have not heard anything of the Ngatiawas.

If the messenger returns here, will you please to let us hear from you what you think of affairs. As far as we can see at present, we shall be ready to leave next week.

EXTRACT of a letter from Chiefs of Te Whaiti.

(Translation.)

A party from Taranaki, Waikato, and Ngatiraukawa have arrived here (Tauroa), preaching the religion of their God and leading two Pakeha prisoners alive, and one head of a murdered man. On arriving here they urged us to join their God, but we refused. They said, "It is well; the bearer of our sword is close behind us, and will destroy you and all within the Arawa boundaries." We sought and found a word of Scripture, "Be patient in tribulation." But if his sword is lifted against us, we shall meet him.

Enough. When you receive this write quickly.

From NGA KOROWAI,
Te WIREMU,
and all the Chiefs of our three Tribes.

(Translation.)

FRIEND MR. SMITH.

Te Wairoa, February 20, 1865.

I HAVE arrived at my place Kariri. On the second day after my arrival Hohepa Ngamuka came from Te Whaiti, and gave us this intelligence. He met a party of Hauhau at Tauraroa, Te Whaiti. This party, numbering 30, had come from Taranaki. On reaching Taupo 20 more joined from that place, besides some from Ngatiraukawa and Waikato, making altogether 70 in number. Kereopa of Ngatirangiwehi is their principal "tiu" with Patara, who used to live at Maungatapu.

Kereopa carries with him a Pakeha head preserved by the Taranaki Natives. This is for exhibition in the "New Canaan" by the direction of their God. There are two Europeans slaves (or prisoners) of theirs, who accompany them. Hohepa saw with his own eyes both the head and the two living Europeans.

At the gathering at Tanaroa the Urewera tribe, numbering 200, stood in two rows for the purpose of being confirmed as believers in the God of Taranaki.

The way in which this was done: the Pakeha head was used to scare each person; terror caused by the head took possession of him, and he became insane and sprang out of the row. This was repeated with each individual until all had been operated on.

Kereopa then said to the Urewera, you are now possessed of the Deity, and now let the widows of the men who fell at Orakau approach and vent their "pouri" (grief and anger) on this head and upon these living Pakehas. The head was then placed in the middle, and the Pakehas one on each side. Then the maddest of the widows approached close to the head and to the prisoners, and spears and tomahawks were flourished in the faces of the prisoners. Those women who were courageous enough then rushed forward to bite the preserved head, as it stood there dried; and then all the widows did the same, and took a dry bite (ngau pakohe noa ihe) at the head.

After these proceedings Kereopa stated that he had been sent by Te Ua, or Horopapera, to canvass all the tribes, and when this was done the great fighting would begin, as prophets would have been appointed.

According to them, they are the only party duly commissioned to canvass the tribes. The party of Ngatiraukawa and Waikato, which went to Hawkes Bay, went without authority, so also Hori Tupaea and his "Tiu," who were taken. Their mission was unauthorized, and they might be taken by the Queenites (without any prejudice to the true Pai-marire).

The following is what was contained in a letter addressed to me by Kereopa and Patara:—

To Te Kapa, and to you all. This is a word to you. We have come this other way, for we had no power to trample upon the law of our ancestor Rangitahi Whakahirahira.

Friend, this is a word to you. If I accomplish my object, on my return I shall send word to you, and if you are willing that we should go your way we will do so.

Friends, remain in peace (noho Pai-marire). When I have ascertained the thoughts of the Whakatohea and Ngatiporou, and their feelings about their losses, we will send you word. When you read this letter write to all the places in the district, to Tutanekai, Uenukukopako, Rungiteaorere, Kawatapuarangi, to Maketu and to Tawakeheimoa Kingites at Puhirua.

This was the purport of their letter.

When you have read this let the chiefs and tribes at Maketu see and hear the contents.

Enough.

From TE KEPA TE URUHI.

The writer is a native assessor, the principal chief of the Tuhourangi tribe (Te Arawa).

(Signed) A. P. CLARKE.

Civil Commissioner's Office, Maketu,

March 9, 1865.

SIR,

I HAVE the honour to forward, for the information of the Government, the enclosed translation of a letter received by me from the native assessor at Whakatane.

The melancholy intelligence conveyed in this letter is, I fear, true. The schooner "Kate" left this on the 4th inst. for Whakatane, and on arriving there sailed immediately for Tauranga. I understand that the information conveyed by her to Tauranga confirms the statement contained in Hohaia's letter.

With my report of the 6th inst. I forwarded translations and extracts of letters reporting the proceedings of this Pai-marire party, at whose instigation the tragedy at Opotiki has been enacted. The particulars of what took place there having reached me via Tauranga, will, I presume, be reported to the Government from that place, and it is unnecessary for me to repeat them here.

A vague report of this affair reached Maketu on the 7th inst., but was discredited, as it was then believed that the Rev. Mr. Völkner was still in Auckland. This confirmation of that report has produced a deep sensation among the Arawa here, and I believe they would readily assist in any measures the Government might think proper to adopt with a view to punishing the perpetrators of this cold-blooded, heartless murder.

Immediately on receipt of Miss Wallace's letter (an extract from which accompanies my report of the 6th inst.) I sent a special messenger to Tauranga, in the hope of meeting with an opportunity of speedy communication with Auckland. I have since ascertained, by reference to Auckland newspapers, the "Eclipse" schooner cleared out from Auckland for Opotiki on the 25th Feb., and that Mr. Völkner was a passenger by her. The letter referred to did not reach me until the 4th inst., and it was then, unfortunately, too late to give timely warning.

I would take this opportunity of requesting the serious attention of the Government to the state of this district, especially with reference to the position of the Arawa. These tribes have incurred the enmity of their neighbours by espousing the cause of the Pakeha. They are open to attack from several quarters. They are insufficiently armed, and no adequate provision has been made for supplying them with the means of defence in case of attack. There are only fifty stand of arms now available for distribution in case of emergency. They have been promised that every assistance which it is in the power of the Government to afford shall be given to them. The inland Natives have applied for arms, and have been told that they cannot be supplied, and that the few stand placed in charge of the military authorities here will only be issued here, and in the event of actual attack on Maketu. The military force here is under 200. The communication with Tauranga by sea is maintained by a native-owned and native-manned schooner, which can cross the bar only at high water. The overland communication may be stopped at any time. I regard the present state of affairs as critical. The Whakatohea (the Opotiki natives) will probably now feel that they are committed to a final struggle, and if they can succeed in raising the tribes beyond them, may take the initiative against the Arawa. The latter have, I submit, proved themselves faithful and worthy to be trusted. I think that at least arrangements should be made by the Government to ensure a sufficient supply of arms and ammunition being within reach, in case of their being needed. About 170 stand of Government arms have been supplied to the Arawa, and about the same number would be required in addition, to arm the whole adult population. The fowling pieces possessed by many are useless for want of percussion caps and suitable ammunition.

I have, &c.

The Hon. the Native Minister,
Wellington.

(Signed) THOS. H. SMITH,
Civil Commissioner.

TRANSLATION OF LETTER from Assessor Hohaia Matatehokia of Whakatane.

To MR. SMITH,

Whakatane, March 6, 1865.

FRIEND. Greeting. Friend, innocent blood has been shed at Opotiki. The Rev. Mr. Völkner is dead. He was murdered by the Whakatohea and the "Hauhau" of Taranaki. Mr. Völkner died on the 2nd of March. After he was dead he was cooked in the oven. Mr. Grace and his Pakeha companions are captives. I do not know whether their lives will be spared, or whether they also will die.

Listen. This is the word of all Ngatiawa. They turn away from this crime of murder committed by the Whakatohea and Taranaki. Though soldiers should go to Opotiki, or to Ohiwa, yet will not they implicate themselves in this crime of murder. But let there be only one road,—that by sea. Let not the Arawa come over land. This thought is from the whole of Ngatiawa.

Enough. From

Hohaia MATATEHOKIA and
Hori TUNUI.

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SIR,

Civil Commissioner's Office, Tauranga,
March 6, 1865.

SINCE writing my letter of this day's date, No. 11, we have received the painful intelligence of the murder of the Rev. C. S. Völkner, and the carrying away of the Rev. T. Grace, prisoner at Opotiki, by the Pai-marire fanatics, headed by Kereopa and Patara.

I beg to enclose a copy of a Native letter from the Whakatane chiefs on the subject, also a copy of a statement made by the master of the schooner "Kate."

Although the statement rests entirely on Native authority, but taking it in connexion with former information received, I fear there is little hope of its proving a false alarm.

The Hon. the Native Minister,
Wellington.

I have, &c.
(Signed) HENRY T. CLARKE,
Civil Commissioner.

February 28 (March 5), 1865.

Go, our letter to the Governor and to his Runanga also. Kind salutations to you and to your "Pakeha Runanga." Listen, Mr Völkner has been killed by the Whakatohea; his head has been cut off for a God for themselves; his brains have been eaten by the Whakatohea, by the men, women, and children. This is from the Chiefs of Awa (Ngatiawa), to give you information.

From TAMARANGI TOIHAU.

" APANUI.
" WEPIHA TE MAUTAIRANUI.
" HEREMIA MOKAI,
" KAWAKURA.
" KAPERIERE.

When you have received this letter, answer it. Answer it by letter, that Awa (Ngatiawa) may know (your thoughts), for Awa is pained on account of this murder. Send the letter direct to Whakatane. But do not be dark on account of our going to Maketu (*i.e.* their former fighting with Te Arawa); that was done in broad daylight. But the fault (or crime) of the Opotiki Natives is murder. It turns. From the Runanga of the whole tribe.

MEMORANDUM.

Te Papa, Tauranga, March 6, 1865.

STATEMENT by the Master of the Cutter "Kate" from Whakatane.

I left yesterday after dusk, in the morning. Te Hura of Te Awa-o-te-Atua arrived from Opotiki, and brought news of Mr. Völkner's having been murdered by Kereopa. He stated that as soon as Mr. Völkner landed he was tied to a willow tree, and his head was then cut off with an axe, his body was thrown down for the dogs to eat, his head was "pakipaki'd, and his brains were given to the women and children.

They also stated that Mr. Grace was taken a prisoner by them at the same time. They did not intend to kill him, but keep him as a slave.

Before Mr. Völkner's arrival from Auckland, they had broken open his house and sold all his goods, and regularly ransacked the place, and held war-dances in the new church.

Witness to signature.

(Signed) HENRY E. RICE.

(Signed) WM. J. YOUNG.

SIR,

Civil Commissioner's Office, Tauranga, March 7, 1865.

IN continuation of my report of yesterday's date, No. 13, I have the honor to enclose a statement I have just taken down, confirmatory of the melancholy death of the Rev. Mr. Völkner and the detention of the Rev. Mr. Grace by the Pai-marires.

There is not the least doubt now of the truthfulness of the whole report. The fanatics are going down the East coast, carrying everything before them. It is said that Turanga is their destination. Fears are entertained for the safety of the Europeans along the coast.

The Hon. the Native Minister,
Wellington.

I have, &c.
(Signed) HENRY T. CLARKE,
Civil Commissioner.

STATEMENT made by Natana, owner of the Schooner "Janet,"

THE party of Hauhaus left Whakatane for Opotiki. The party was made up of people from Taranaki and other tribes. Wepiha Poono and Apanui also went with them. They arrived at Opotiki. When they got there, they found that Mr. Völkner's vessel had not arrived.

The Hauhaus party then divided. Some went on to Tunapahore. Patara went also. Kereopa and the other Hauhaus remained at Opotiki.

Mr. Völkner's vessel arrived and entered the river. Kereopa and his party then went on board, and tied up all the Europeans, including Messrs. Völkner and Grace. The vessel was dragged on shore, close to Mr. Völkner's house.

The Hauhaus then held a Runanga, and it was decided to kill Mr. Völkner. He was then taken to a willow tree and hanged. He was hanging two hours; he was then let down, and his head was cut off. His blood was drank by all the Whakatoehas. The head was preserved. Mr. Völkner's coat, vest, and watch have been taken by Kereopa and party.

Mr. Grace's life is preserved, but I heard that he would be taken on to Turanga, and from thence to Taranaki, where he would be killed.

Mr. Völkner's property is all taken; they entered the house, and have sold all by auction.

The men belonging to the vessel are to be released.

This report was given me by Wepiha Poono, who was an eye-witness to Mr. Völkner's death. He ran away, and arrived at Whakatane on Sunday last (March 5th).

Mr. Völkner was killed on Friday last. Patara was not present at his death; he was at Tuna-pahore.

(Signed) NATAUU.

Taken before me, this 7th day of March 1865.

(Signed) HENRY T. CLARKE, R.M.

SIR,

Superintendent's Office, Napier, March 17, 1865.

IN pursuance of your instructions of the 15th inst. I have the honour to acquaint you that I arrived here this morning.

The report of the murders at Opotiki did not reach Napier till last night.

I am taking the very earliest opportunity of putting myself in communication with the principal chiefs in the Province, and adopting measures to equip and arm those who can be relied upon.

I intend to have the blockhouse at Mohaka occupied by a small force of the European residents there, and expect in a few days to have the Northern end of the Province placed in a position of greater security.

I shall use my best exertions to carry out your instructions in the spirit in which they are written, and shall keep you informed from time to time of the steps that are taken for this object.

I have, &c.

The Hon. the Colonial Secretary,
Wellington.

(Signed) DONALD McLEAN,
Superintendent.

SIR,

Superintendent's Office, Napier, March 17, 1865.

IN the present critical state of affairs, it is a matter of great importance that I should be in a position to communicate with rapidity and certainty with the Northern parts of the Province; and as this cannot be done by sailing vessels, I have the honour to request that you will make arrangements to have a steamer like the "Ahuriri" placed on this coast for the purpose.

I shall take care not to detain her any longer than may be absolutely necessary.

I have, &c.

The Hon. the Colonial Secretary,
Wellington.

(Signed) DONALD McLEAN,
Superintendent.

SIR,

Superintendent's Office, Napier, March 17, 1865.

As some anxiety may be felt as to the safety of the missionaries and other Europeans at Poverty Bay, I am happy to inform you that I have just learned from a coasting schooner that she passed H.M.S. "Eclipse" at 4 a.m. yesterday, steaming out of Poverty Bay, and steering northward.

I have, &c.

The Hon. the Colonial Secretary,
Wellington.

(Signed) DONALD McLEAN,
Superintendent.

SIR,

Superintendent's Office, Napier, March 18, 1865.

I HAVE the honour to enclose the copy of a document which has been handed to me by the Rev. S. Williams. It is a letter addressed to the Bishop of Waiapu by the late Rev. Mr. Volkner, and is the last letter the unfortunate gentleman ever wrote to his Bishop.

It is curious to observe the change in the feelings of the Natives, wrought by the wretched fanaticism which has taken hold of them, as shown by the way in which Mr. Volkner described their reception and treatment of him at the date of his letter, and that which he experienced afterwards at their hands.

It is, however, worthy of note, that when the Pai Marire Natives stated that their Atua demanded the life of one of the two clergymen who had fallen into their hands, the Opotiki people begged that that of the stranger, Mr. Grace, might be taken, and their own minister spared.

I have, &c.

The Hon. the Colonial Secretary,
Wellington.

(Signed) DONALD McLEAN.

MY LORD,

Auckland, January 22, 1865.

I TRIED hard to reach Te Kawakawa in time for the synod, but I could not accomplish it. I went on board the Tauranga here three days before Christmas. On my arrival at Taurau, I found that not only at Te Matata was a "Kati," but also at Ohiwa; and to get an opportunity for the coast beyond this place, I had to wait at Tauranga 12 days. I was landed at the Kaha on the 7th of January.

As I felt sure the synod would be over before I could get to the Kawakawa, I went to Opitiki instead.

The people show no inclination to fight again; neither at Opitiki, nor anywhere else in the district. At Opotiki they are much subdued through the fever. You know, I suppose, that the three ringleaders of the disturbance at Opitiki—Pohipi, Hori Te Tamaki, and Te Whakatatari,—are dead. The people cannot get over the murder of the Aporotonga, and blame Government for not punishing the person

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who committed the crime, while they demand from the Maories to give up those who murdered the Europeans.

The worst is, that none of the calamities which befall them leads them to the course where wisdom, help, peace, and rest alone is to be found. I cannot get them to reflect on what has befallen them during the passed years, and they exhibit great carelessness about the future, while the Word of God seems to make little, if any, impression upon their heart. They are always very particular not to touch anything that belongs to me while I am from home, and on coming home they always received (me) kindly.

The fighting has now begun again at Whanganui. When shall we see the end of it, or rather, the much desired result.

The Pai Marire has not been introduced to the east of Taranga. If a collection was made at the synod for the Milina Mission, I beg you to put 5*l*. for me. I shall pay it in the bank to your credit, with the subscription for the South American Mission.

SIR,

I HAVE the honour to transmit documents, as per margin, which have been handed to me by the
 Rev. Mr. Volkner to the Bishop.
 Rev. S. Williams to Superintendent, Auckland.
 William Waiapu, dated March 16, 1865.
 Ihairaira Te Houkamoukeiwaho to the Bishop, dated
 March 16, 1865.

Rev. S. Williams to H. Carleton, Esq., March 17, 1865.
 Bishop Williams to Rev. S. Williams, March 6, 1865.

judicious conduct in challenging and refuting the
 peans would be in imminent danger.

I have to request that you will authorize the first mail steamer from the South to call at Poverty Bay, and land the Rev. Mr. Williams at that place.

The Hon. the Colonial Secretary,
 Wellington.

Superintendent's Office, Napier, March 18, 1865.

Rev. S. Williams, for transmission to you.

Mr. Williams would feel obliged by your handing this correspondence to Bishop Abraham, for his Lordship's information.

Mr. Williams represents the infatuation under which the Natives labor, in consequence of the Pai Marire as most deplorable; and had it not been for his timely and the superstition at Poverty Bay, the lives of the Euro-

I have, &c.

(Signed) DONALD McLEAN.

To his Honour the SUPERINTENDENT AUCKLAND.

SIR,

I HAVE the honor to report, for your information, that at 4 a.m. on the 15th inst. the S.S. "Lady Bird" anchored in Hicks Bay. At 5 p.m. Her Majesty's S.S. "Eclipse" was seen to pass to the Northward. We immediately sent our three Natives on shore in the ship's boat, to ascertain the feeling of the people, whilst we steamed out to speak the "Eclipse," and communicate with the Bishop of New Zealand. From him I learned that the party of Pai-marire fanatics had taken the overland route from Opotiki to Turanga, leaving the Rev. Mr. Grace at Opotiki; and upon consultation with the Bishop, together with Captain Fremantle, it was deemed desirable that I should visit the Natives of Hicks Bay, call in at Waiapu and see Mr. White, the resident magistrate, and proceed to Turanga, land our three Natives, and ascertain the latest intelligence of the Turanga people, whilst the Bishop would proceed in the "Eclipse" to the rescue of the Reverend Mr. Grace from Opotiki, of which there appeared to be every prospect of success. I accordingly landed at Hicks Bay, and was accompanied by many passengers of the steamer, who will all bear testimony to the hearty welcome we received from Ihairaira Te Houkamau and his people. They informed me that they had already written to the various branches of their tribe, expressing their horror of the foul murder of the Rev. Mr. Volkner, and calling upon them to separate themselves entirely from the Opotiki natives and any Pai-marire fanatics; and stated that, had the party passed that way with the prisoners, they should have at once rescued them, even at the risk of a collision. The substance of their speeches at our meeting they embodied in a letter to the Bishop of Waiapu and the Turanga Natives, a copy of which I enclose herewith. At Waiapu the resident magistrate, Mr. White, came off in his boat, and informed us that the Natives along the coast were in a very satisfactory state of mind, expressing their abhorrence of the foul murder, and the friendly Natives had taken up arms to protect him, and prevent the Pai-marire from coming into the district. And further, that a large body of armed men had gone over to Poverty Bay to protect the settlers of that district. He also stated that the King Natives of Waiapu, who had at first been inclined to be troublesome, on hearing that Mr. Volkner had not lost his life through the incantations of the Tius (as at first reported), but had been brutally murdered by them, were completely crestfallen.

On landing at Turanga-nui in Poverty Bay, at 2 a.m. on the 16th, I received a communication from the Bishop of Waiapu, informing me that after the departure of Her Majesty's S.S. "Eclipse" matters had not gone on quite so satisfactorily as they had appeared to be doing up to that time, and that he was rather doubtful as to the intentions of some of the Natives.

I immediately started for the Bishop's residence, and arrived there at 4 a.m. Not finding him at home I followed him to Whakato at seven miles distance, whither he had gone to attend a general meeting of the Natives, with a view to ascertaining their final determination respecting the fanatics. From him I learned that Hirini Te Kaniatakirau, and the other chiefs, had rejected all the propositions of the Pai-marire, and had so far prevented any of their people from joining them. It is much to be regretted that they did not abide by their first proposition, which was to insist on their leaving on the 14th or 15th, but there seems now a prospect of their return to the Bay of Plenty.

I have, &c.

(Signed) SAMUEL WILLIAMS.

SIR,

Turanga, March 16, 1865.

IN my letter of March 13th I stated the position of affairs at this place, up to the time of the arrival of Her Majesty's S.S. "Eclipse" on that day. The friendly Natives, at the time Captain Fremantle rode up, were under arms to the number of five hundred (500), having come together chiefly for the protection of the English inhabitants. Arrangements were made the same evening for two chiefs from this place to go on board the "Eclipse" with a view of accompanying Hori Tupaea, a chief of Ngaiterangi, to Opotiki, to demand the release of Mr. Grace. But I wish distinctly to state that the proposal about Hori Tupaea originated with the Pai-marire, they having stated that it was in consequence of the seizure of that chief that Mr. Volkner was murdered. They stated also that before they left Opotiki they had set at liberty the seamen of the vessel which had conveyed Messrs. Volkner and Grace, and that further they had written to your Excellency to say that if you would send Hori Tupaea to Opotiki, Mr. Grace should be delivered up.

When, therefore, a proposal was made by Captain Fremantle that the chiefs of Turanga should take steps for M. Grace's rescue, this course was agreed to, Mr. Rice having stated to the Natives that Hori Tupaea was set at liberty, and living with his wife and family at Otumotai.

At the time the "Eclipse" left, the position of affairs seemed to be satisfactory. Rongowhakaata had sent two chiefs on board the "Eclipse" to aid in procuring Mr. Grace's release. Hirini Te Kani was to see the "Pai-marire" the next morning, and steps were to be taken to send them back by the road they came. I am not able to continue this subject in consequence of the immediate departure of the steamer "Lady Bird." The Pai-marire will quickly be on their way back from this place. But while the general tone of the Natives here is good, it is necessary to be prepared for a change.

In the event, therefore, of a determination to take steps to punish the Whakatohea, I have to request that timely information may be sent to this Bay, in order that the English inhabitants may take whatever precaution the circumstances may render expedient.

I have, &c.
(Signed) WILLIAM WAIAPU.

Pataugata, Wharekahika, March 16, 1865.

(Translation.)

Go, my letter, to our Father the Bishop. Greeting. We are in great distress, in consequence of what has been done by Opotiki in the murder of one of our fathers there. Listen you, and your Maori people, and your Pakeha people. We are greatly disgusted at this deed. It makes us shudder with horror. Such deeds were not done formerly, in the dark time of our land; but now at length, in enlightened times, this deed has unexpectedly been perpetrated. We give you to understand that we repudiate this deed. We are still living in accordance with our (Christian) principles. They may work out their own; they may reap the fruit of their own work. If they had come this way, we should have rescued the prisoners; and had they (in such case) used violence towards us, we should have used violence towards them. That is all we have to say. Please write us a letter to enlighten your children.

FROM IHARAIRA TE HOUKAMOUKEIWAHO.
,, IRIMANA TIROHIA,
,, The whole RUNAGA.

To the Bishop (of Waiapu).
,, Rongowhakaata.
,, the whole of Ngati Kahuhima.

SIR,

Waerengaahika, March 17, 1865.

I BELIEVE we have given a deathblow to the Pai-marire here by a challenge I sent them through the chiefs of this place, which proved them to be a set of impostors. They were wild, and regularly ran away from the village amidst the taunts of the resident Natives. There was great excitement just as I was going on board the "Lady Bird;" and, at the urgent request of the Bishop of Waiapu, with others, I detained the steamer till this morning. I enclose a copy of the Bishop's note to me at the time. I write this in a hurry, in case I should not be able to leave by the steamer.

Hugh Carleton, Esq.

Your obedient servant,
(Signed) SAM'L. WILLIAMS.

SIR,

Waerengaihika, March 6, 1865.

INTELLIGENCE has just been sent to me respecting the Pai-marire, that they have left Whakato in a hurried manner, having been confuted by the Natives there. They are now said to be in this immediate neighbourhood, and it is quite possible that a disturbance may be excited in consequence. I have to request, therefore, that the steamer may be detained till to-morrow.

Rev. S. Williams.

Your obedient servant,
(Signed) WILLIAM WAIAPU.

SIR,

Turanga, March 17, 1865.

I BEG to acknowledge the kind consideration of the Government in directing, first, that H.M.S. "Eclipse" should visit this bay, and then that the steamer "Lady Bird" should come to render any assistance that might be required.

The state of the district is unsettled, owing to a visit from the Pai-marire who murdered Mr. Volkner. The body of Natives of this place have no sympathy with these fanatics, but there are a few who take a contrary view. I am not under immediate apprehension, but it is necessary in these times

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not to repose in foolish security. There is another Pai-marire party coming by Wairoa from the south-west. Then, again, it seems probable that the Government may be taking measures against Opotiki, which would also have an indirect influence upon this placce.

I venture, therefore, to prefer a request that instructions may be given to the next steamer passing to Auckland to call here, in order that opportunity may be given for the removal of women and children, if necessary.

The Hon. the Colonial Secretary,
Wellington.

I have, &c.
(Signed) WILLIAM WAIAPU.

MY LORD,

Colonial Secretary's Office, Wellington,
March 21, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 17th instant, and to assure you of the deep sympathy of the Government in the very trying position in which Europeans and friendly Natives living on the East Coast have been placed by the murder of Rev. Mr. Volkner, and by the Pai-marire expedition to that coast.

His Excellency the Governor is hourly expected in Wellington, and the Government has already ordered the *St. Kilda* steamer to be got ready for sea, and proposes to keep her for the present on the East Coast, to render any required assistance to the inhabitants in case of danger. It is expected that that vessel, which was on the slip yesterday, will be ready for sea in two days. She will proceed to Napier, and take her orders from Mr. McLean, who is now acting as agent to the General Government.

The next mail steamer to Auckland will be directed to call at Turanga; and should your Lordship consider it necessary, bearing in mind that the "*St. Kilda*" will be off the coast, you can exercise the enclosed authority, from the Hon. the Postmaster General, to order the next steamer from Auckland also to call at Turanga on her way from Auckland to Napier.

The Government will not fail to give your Lordship warning, should any step be decided on, upon the arrival of his Excellency the Governor, which might indirectly endanger the safety of your district.

I have to express my thanks to your Lordship for your letter and the information which accompanied it.

His Lordship Bishop of Waiapu, Turanga.

I have, &c.
(Signed) FRED. A. WELD.

The DIARY of Capt. LEVY, Schooner "ECLIPSE."

(From February 24 to March 1.)

Friday, February 24.—The whole of the Natives at Opotiki and along the coast had been in the greatest excitement during the preceding week, owing to the arrival of a pioneer of a large recruiting party, to inform them that Potare and his followers were about to visit the neighbourhood for the purpose of taking a given number of Natives from each village to Taranaki, in order to fight the soldiers, as well as to be instructed in the new religion, which has gained so much furor amongst the Natives. Up to the present time this religion has turned them all half mad. A party of Natives, with whom I was very intimate, asked me to go into the bush during the visit of this party, as they knew it was the full intention of Potare to put to death all white men. I went to see Tiwai, and informed him what the Natives wished me to do, and asking his advice. I told him I should prefer remaining in my store, and did not fear the so-called Jew, Potare. Tiwai was of the same opinion, that it would be best for me to remain, telling me at the same time that if they killed me they would also have to kill him at the same time, and thereby agreeing to stand by one another.

Saturday, February 25.—A letter has just arrived to say that Potare was then on the beach some three miles from here. The Natives are all coming in from every village to see what the great man can do. I should say there are some 800 Natives on the plain in front of the church—some erecting tents, putting up flags, carrying firewood, and all those things, ready for a large encampment. At last, at about 2 p.m., Potare arrived, the whole of the women (257) being formed in double line for his reception, when, as he drew near, the line of women opened, and he passed through them amidst the greatest rejoicings and welcomes, Potare in advance of his forty followers, with a large horse pistol in his hands, held across his breast. After passing through the women, there was a general review, which lasted for some three hours,—the Natives going through every manœuvre known to them in warfare, and likewise several sorts of stag-hunts after one another. Previous to the arrival the Natives had erected a very high flag-post near the church, and as soon as the party came in the Pai Marire, flags were hoisted on it. I recognized one Hebrew letter in some of flags. I told Tiwai of it, and he went and informed Potare; and as Potare was aware some weeks before of there being a Jew at Opotiki, he was very anxious to have an interview. The females were all now getting the Kapera Maoris ready for a grand feed, when, shortly after, there arrived some five carts laden with five dead oxen, and some hundreds of kits of potatoes, likewise several loads of water melons. When all the carts were got together, they were taken before Potare, who went through several forms of grace, holding a piece in his right hand, and throwing it away after each prayer. After these ceremonies the carts went to the different fires, to get their contents cooked, which, as soon as done, grace was said, and then came the grand feed. A very good share was allotted to myself and Tiwai. I then went to see Potare, who seemed very much pleased, mentioning at the same time that he was very glad that I was a Jew, he being very fond of them, giving as his reason that the Jews were once a grand people, but were now reduced to a very small one, through the persecutions they had gone through,—the Maoris believing themselves to be undergoing the same. While the Natives were having their grand feed, Potare walked to my house, and had tea with me (Paura Tia, who is now one of their principal prophets, being my cook at the time, a situation he has held for the last three months), Tiwai being present, Potare telling

Tiwai in my presence what his intentions were from the time of leaving Taranaki, which took one month and twenty-four days to reach Opotiki. They fully intended to take the heads of all ministers, soldiers, and Englishmen to carry as trophies to their great prophet Zerubbabel at Taranaki. I told him I did not like to see so many guns knocking about, there being some 300; when he told me to make myself quite easy as to their doings, and that he would give me a written protection for my safety during his absence; Potare promising to come back and sleep with me, and mentioning to me that had Mr. Volkner been at Opotiki on his arrival it was his full intention to take his head to Taranaki, (Potare was away at the time of the murder,) and that he intended taking possession of the whole of his goods and house. At about five o'clock, Kereopa, the prophet, came amongst them with the head of a soldier, and placed it at the foot of the worship post, laying the cap alongside (which had on it the 70th Regiment). This caused great excitement among the Natives, Kereopa coming in front of the skull to give a lecture, which lasted some hour and half; the whole lecture being on religion, stating that up to the present time they had been labouring under a great mistake, and the whole of the ministers had been robbing them of their lands, money, and blood, through the lies the said ministers had told them, and advising them all strongly to take to the new faith, which there is very little trouble to do; when, under the influence of Potare, he wound up the discourse by bringing forward the soldier's head to the natives, telling them it would speak at sunset (which I waited to hear, expecting a little ventriloquism, but was disappointed); several Natives putting their ears to the skull's mouth, and fancying it spoke, when they would start off like mad, running over the plain. Potare now went through the new form of religion, the whole of the Natives forming in single line, and passing under Potare's right arm, and so into the church, where they again formed into double line, back to back, the 40 Taranakis who had arrived with Potare continually running round them, shouting, hallooing, and going through many old-fashioned forms of incantation, one of the principals examining each individually to see when they were affected by his influence. Finding they were completely under his influence, they are then singly taken hold of by the shoulders by three or four of the principals, and well shaken until they spoke or gesticulated some of their mad peculiar tongue. They are then taken by the hand, and swung round until so insensible they cannot stand, and then taken out on the green, where they remained on the ground in a state of stupidity for some days, some of them actually going for four or five days without touching meat and drink. The Natives remained in both churches all night, going through their worship and ringing the bells—I myself sleeping in the church with them. The most fearful scenes of barbarism and savage-like propensities were enacted during the night.

Sunday, February 26.—Everybody (men, women, and children) in the village, converted to the new faith. Daybreak, church bells ring for prayer; the usual service, there being no Sunday observed in their religion, all days in the week being alike. Before entering the church, and after coming out again, the Natives all went round the post several times, muttering their gibberish, and asking me, if I understood them, as they said it was a language of their own given to them by God, and that no one else but themselves could speak it. After service, Potare sent for me to go with him to the Rev. Mr. Volkner's house, where he intended selling everything off by auction, and wished me to buy the fowls, which I declined. He then went up and ransacked the house, selling everything to the Natives for a mere nothing,—even horses, and some fine ones amongst them, fetching 5s. each. The books, medicines, and bedstead were the only things they left, and Potare told me that anything I wished for in the house I could have upon asking, but I declined the offer. The Natives then went back to their prayers, Kereopa lecturing to them the greatest part of the day, and carrying the soldier's head about under his arm. During his lecture the newly converted Natives were again put under Potare's influence, on account of fresh Natives arriving. They only eating once a day, and that at sunset, the feast now commenced again, and was gone through the same as on the previous day. They then returned to their worship, some remaining in the church all night, and others walking round the sacred post, but the greater part lying all night on the plains in the open air, in a state of stupidity and nudity; the principal portion of these were women.

Monday, February 27.—Potare came to see me, and we had a long talk, telling me that, as the Natives were so excited, he had put a price upon my own goods for my safety. He then wrote out a form of prices, of which several copies were taken, he at the same time not forgetting to lower all the goods at about 20 per cent. under their original cost. He then went to Dr. Agassiz's house, and lowered his goods the same way. After again putting the converts through his influence, he left for a place down the coast, about 25 miles distant, in order to obtain more recruits. Before going, he told me to make myself quite easy, and communicated that he would be back in three days, as he intended to at once bring up his recruits from where he was going, and that he expected to get about thirty. During this morning, Tiwai came to me telling me that there was a poor white man, with only a blanket on, amongst the Taranakis. I at once sent him some clothes, which he put on, and came to see us. He proved to be a man named John Brown, a prisoner taken at Taranaki, and belonging to the 57th regiment. He told us that there were two other prisoners, one named Louis Baker, who had left Taranaki with them, and the mob had divided into two parties, one going to the coast, and the present (Potare's) coming down. He further said that he was taken prisoner at Taranaki, and taken inland, where he endeavoured to make his escape to Wanganui, but upon nearing that place he was again captured by the Maoris. He is kept as personal property of a Wanganui chief, Potare having to get special permission for him to travel with them, as a means of exciting the Natives; he has never since had a chance to escape, but would make the first opportunity good, he being very anxious to get Louis Baker away with him. He spoke of the frightful scenes which he had witnessed, and was oftentimes tired of his life. John Brown left this day with Potare, whose party consisted of 30 Taranakis, 20 Onewas and Opotikis, and 10 Wakatanes, 60 men in all, for Titiunga, about 25 miles down the coast. Potare left behind him Kereopa, a Maketu man, who had been for five years a policeman in Auckland, and who was now one of the savagest leaders of the party; also a Maori doctor, named Edward Edwards; and these men were left to carry on the ceremonies in the new religion during Potare's absence. The means adopted by this Maori doctor in curing his patients was one of the most beastly description, being unfit for publication. Amongst the first of the converts, I recognized

Mr. Volkner's teacher and housekeeper, men who had been with him, and preaching in the church during his absence, for 10 or 12 years. Ceremonies gone through as usual this night.

Tuesday, February 28.—This morning John Brown returned from the party to me, bringing an order written in flax for me to go to Mr. Volkner's house to get a bottle of jalop, some of the party being sick. All the Bibles and prayer-books were this day torn up and thrown about the plain, the greatest excitement prevailing amongst all, but nothing of note occurring.

Wednesday, March 1.—This morning saw the schooner "Eclipse" outside the bar. Tiwai and myself wanted to go down the river to inform them of the excited state of the Natives, but were prevented from doing so, the Natives appearing to fancy that the Rev. Mr. Volkner was on board; which was not to be surprised at, as they know almost all as well as we do what occurs in Auckland, through their having a line of communication as far as the Bay of Islands. After the schooner entered the river, coming to the store and making fast, when I was thunderstruck at seeing two ministers instead of one.

THE OPOTIKI MURDER.

DIARY of Captain LEVY, Schooner "Eclipse," from Auckland to Opotiki and back.

Sunday, February 26.—Left Auckland at 4 p.m., with the Revs. Messrs. Grace and Volkner as passengers to Opotiki.

Wednesday, March 1.—About 10 a.m. all hands much pleased at our going in over the tide, as we did not expect to go in that day. At about half-past ten sailed up the river, expecting to find everything quiet as usual. Surprised to see such a number of Natives assembled on the bank of the river. My brother (Samuel), who had charge of the store, when he saw the two reverend gentlemen on board, was quite aghast at their coming at the very worst time, for the Natives had only on the previous day registered an oath to kill every minister or soldier they came across, immediately called out to us to put on the hatches, and take the reverend gentlemen below, as the Natives were all anxious to get at them, and some having ropes in their hands ready to bind them. Mr. Samuel Levy and Tiwai, the native interpreter, came on board, and told us of the intentions and doings of the Natives. They likewise told the reverend gentlemen of their perilous position, and advised them to effect their escape; It was arranged with Mr. Volkner and ourselves to escape that night if they were left on board, Tiwai offering to find horses, and myself to take them to a certain point up the river. The Natives swore vengeance, and told us all of their intention of putting them to death. I went on shore in order to satisfy myself of the truth of these statements by inquiries from Natives I myself knew. I went back and informed the reverend gentlemen of what I had heard, and advised their escape. They were left on board for some time, and took dinner, when all hands were ordered to come ashore, much to my surprise. Two or three Natives rushed with ropes upon Mr. Volkner. I pushed them on one side. They then took them to a whare, at the same time assuring myself and brother that as they were all of our religion (Jews) we need not fear, for we should not be molested. The crew were locked up with the reverend gentlemen, and a guard of 20 men with double-barrelled guns set to watch them. The Natives then went on board the schooner to secure the reverend gentlemen's property, but finding it mixed with the cargo, and being unable to separate it, they took the whole cargo ashore to my store, locking the door, and giving the key to my brother, until the trial of the ministers, when we should be required to pick out our goods. I did what I could, as well as my brother, all this time to appease the Natives. We went to the Taranaki chiefs, who were the principal instigators of the mischief, and were well received, because of our religion. Mr. Volkner gave my brother his money, some 16*l.* 19*s.*, as he saw there was great danger.

Thursday, March 2.—About eight o'clock, the reverend gentlemen being still locked up, as well as the crew, and a strong guard over them, a messenger was sent to inform me that the Rev. Mr. Volkner wished to speak to me. I was warned by the Natives not to have any communication with him. I sent word secretly that if he would walk outside the whare I would come near and speak with him. I saw the Taranaki chiefs, and got permission for the gentlemen to walk outside for a short time. About nine o'clock I went to the whare, and the reverend gentlemen informed me that they believed all the Natives wanted was plunder, and recommended me to give up everything as well as the vessel itself, to save bloodshed, as they believed they were both to die. I went with Dr. Agassiz (a trader there) to the Taranaki chiefs, and offered them everything in the stores, the vessel, all our cattle, as well as everything we possessed, for the lives of the two ministers. This they accepted at the time, one of the chiefs taking my coat and vest, and watch and chain, from off my person, and wearing them himself as an earnest of the bargain. Two chiefs then went to speak to the reverend captives, and informed them that they could go back to Auckland with me, at the same time begging some shirts and other small things from them. After this conversation Mr. Volkner put a little more faith in hope, sending for my brother and receiving his money back, as he thought all would be right. My brother and myself then went amongst the Natives, and heard great whisperings, and on inquiry were told that the Natives had gone for their guns in order to shoot the reverend gentlemen. They told us that a ring was to be formed, and the two men placed in the centre, and every man as he passed a certain mark was to fire at them. There were about 200 guns in the shooting party. But when they heard that the goods and vessel had been given up to them it altered their plans. When the party arrived there was tremendous yelling and shouting from every Native. The excitement had reached its utmost point. I next saw a party of half-castes going towards the whare, and thought it advisable to move out of the way. The party asked for Mr. Volkner, who came out without his hat, and then returned for it, apparently pleased, as the Natives had told him they were going to take him to a meeting: but, alas for him, it was the meeting of death. As he was walking with them they told him their object. The reverend gentleman then asked permission to stay near the church and pray for five minutes, which they acceded to. He sent one of the Natives for his prayer-book, and whilst this was taking place the Natives sent on board the vessel for a block and strap, which they made fast to the topmost branches

of a large willow tree, about 200 yards from the church. About 800 Natives had now assembled, and Mr. Volkner was marched under the tree. The Natives took off his coat, vest, and shirt, which the principal chief put on, being quite pleased with the watch and chain. This chief was Kereope, of Maketu, who was travelling with the Taranakis, and a main cause of all the evil. Poor Volkner had only his flannel and trousers left to cover his nakedness. He manifested the greatest calmness throughout, and shook hands with many of the Natives whilst they were tying his handkerchief over his eyes and hauling him up to the fatal branch. The Natives marvelled greatly at the tears running from Mr. Volkner's eyes. They did not pinion either arms or legs, but left him to dangle for nearly an hour in the air, whilst some of the Natives were hauling at his legs to get off his boots and trousers, sharing what was in the pockets whilst he hung over them. One of the Natives also put on the trousers in the dying man's presence. After letting the body hang about half an hour, it was lowered and taken to the church, near which they fenced in a place, spread the body out in the form of a cross, and proceeded to cut off the head, the body being still warm, and symptoms of life being yet apparent. The inhuman fellows then carefully cut the flesh round the chest and back, and chopped off the neck with an old axe. The Natives then formed themselves into a line, and prepared to taste the blood as it ran out of the head and body. Amongst the women there was a fearful scramble as to who should have the most. What blood dropped on the ground they painted their faces with. The chief Kereope took out the eyes with his fingers, and eat them before the crowd, in order to show them an example. The flesh of the neck was then stripped off, and given to the dogs, a large number of whom were around the place. A fight arose amongst the dogs, and the Natives threw the body to them. After it had been gnawed for some time by the dogs, the Natives took it up, and threw it down a water-closet close at hand. In the evening the Natives told me they had buried the body. Shortly after the occurrence I was walking with my brother in the fern, when four Natives with double-barrelled guns came up and told us we were wanted. We followed them to the house of Mr. William Hooper, a settler, who has lived there some 17 years, when, to our great surprise, we found the whole of the European inhabitants, 19 in number, assembled with their hands tied behind their backs, with the Rev. Mr. Grace amongst them. Myself and brother were served the same. Every pocket was rifled of its contents, and we thought our time had also come to die. We had not remained long in that position when we heard a disturbance outside, which we discovered was caused by the Taranakis hearing that the Jews were tied up. One of them rushed in, and cut us loose, and told us we were all at perfect liberty except Mr. Grace. We left the house in the greatest dread. Whilst this was transpiring, the Natives visited Mr. Hooper, who was suffering from consumption, pulled him out of bed in order to steal the blankets from under him, and taking away everything moveable. At this time the Rev. Mr. Grace did not know that poor Volkner was murdered. In the evening a meeting was held in the Catholic Chapel, which my brother and myself attended, when the bleeding head of poor Volkner was placed on the pulpit, and remained there until the Natives went through all their brutal forms of yelling and dancing to it, when it was taken to a copper Maori to be cleaned and dried. The Natives took all the sailors' blankets off the vessel, and everything they possessed, so that they had to sleep in Hooper's house with Mr. Grace. The church bell was ringing all night, and the infernal hopper (a kind of whistle) sounding every half-hour, to call the Natives to different meetings. Most of the women remained in the church going through their new form of religion. Myself and brother slept at Tiwai's house.

Friday, March 3.—The first thing I saw on going to the gate of the yard this morning was poor Volkner's head in a kapera Maori, with an old man smoothing down the cheeks, in order to keep the wrinkles out. The natives spent this morning in sharing the spoil. Being sixteen tribes it was divided into sixteen lots, each lot to be sub-divided amongst men. We were all assured of our safety, except Mr. Grace, whose fate was now to be reserved for the great Jew, Potare, to decide. A meeting was held, which myself and brother and Tiwai attended by the advice of the Rev. Mr. Grace, in order, if possible, to arrange for a ransom for him. I offered 500*l.* and then 1,000*l.* which was indignantly refused, they telling us that not even 8,000*l.*, or any money, would get Mr. Grace away from them, as they fully intended to take him to Taranaki as their slave. I gave many presents to the Taranakis to endeavour to gain our point. But all was of no avail, as they seemed to think that the minister and sailors would be a great use to them on the journey. All the day was now spent in walking round their post, and going through their new form of religion. I applied to some of the chiefs to allow the Rev. Mr. Grace to walk about, which was granted. The late Mr. Volkner's head having been dried by this time it was placed on the pulpit of the Catholic Church day and night. I supplied the Europeans with provisions.

March 4.—This morning Kereope sent for myself and brother as he was going to the bush, and wished to say "good-bye." He assured us of perfect safety, and told us it was no use our trying to get Grace off, as it was their full intention to take him to Taranaki with them. This evening, about eight o'clock the great chief Potare came in with about sixty followers on horseback, and the white prisoner on foot, carrying their swag. My brother, Tiwai, and myself, immediately waited on him, and told him of our being tied up, which appeared to vex him considerably. He ordered a tangi to be performed by the Natives, in order to show his regret. He told us what had gone on, and said that as they had killed Volkner instead of accepting the ransom, he would call a meeting, and inquire into the whole affair. We remained conversing with him in his bed-room until after ten o'clock. Mr. Grace asked us if he could come over with us, to which we cheerfully consented, receiving permission from the chiefs to do so. Mr. Grace slept with us this night, when we told him the conversation we had had with the chief. He asked us, if possible, to get an interview for him, which we promised. During this afternoon my brother, Tiwai, and myself visited poor Volkner's grave, when we saw a great number of dogs running round the water-closet before mentioned, and on looking at it discovered, to our surprise, poor Volkner's body. We went and asked for permission to bury the body, which was given us, and we intended to bury it the next morning, but we were afterwards told they would bury it themselves. We saw them throw some dirt over it.

Sunday, March 5.—According to the desire of the Rev. Mr. Grace I waited on the great chief at six o'clock, and, after talking over general matters, asked him to allow the rev. gentleman an interview, in

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order that he might describe his own case. He attended to this, and said he would inquire into the whole affair. He wished me to inform the Europeans to meet him in committee, at 10 o'clock that morning, in the late Mr. Volkner's church. The Europeans attended, and were each provided with chairs, when the first inquiry was as to the late Rev. Mr. Volkner's death, which was not very satisfactory to them. The Chief blamed the Natives for hanging him without a trial. They decided to ransom Mr. Grace, on condition that Hori Tupaea and his party, who were in the hands of the Government, were to be returned to them by the return of the schooner "Eclipse" (no other vessel being allowed to reach the port). Mr. Grace would then be sent to Auckland with a letter to the Government. In the meantime, my brother and I were to remain as bondsmen for Mr. Grace until such time as the vessel should arrive with the party on board. On these conditions they would allow the rev. gentleman to remain at Opotiki, but if my brother refused to remain Mr. Grace would be sent to Tauranga. My brother assented. Potare wished me to bring my wife and family down, and settle amongst them, when he would give me and my brother as much land as we required, as well as cattle to stock it with, which I of course promised. There were about 300 Natives present. Another meeting was held privately, after which they gave up possession of the "Eclipse," and Potare gave orders that every man and woman in the place should give us a kit of potatoes. In the evening another large meeting was held, at which poor Volkner's head was behind the chairman. It was decided at this meeting that the party should leave Opotiki proper. The English prisoner, John Brown, of the 57th Regiment, spent the evening with us. He told us he had been there 18 months, and made our blood run cold with his narrative of what he had gone through. We arranged with him that should he be there on our return we would endeavour to find means for his escape. He told us there were two more captive soldiers travelling with the other party; one of their names was Louis Baker.

Monday, March 6.—The party left for Opotiki proper, to hold another meeting, Brown carrying another load. My brother accompanied them at the request of Potare. A war-dance was got up on our arrival, the soldier's and the Rev. Mr. Volkner's heads being stuck on a pole to dance to, some of the Natives actually putting the noses of the heads between their teeth. The letter to the Government was written at this meeting and delivered to me.

Tuesday, March 7.—Got all ready to leave with the letter, but told not to do so for ten days, in order to wait for the party's return from Tauranga.

Wednesday, March 8.—This morning I was astonished to find a half-witted Native, dressed in poor Volkner's drawers, boots, and socks. I spoke to some of the Natives, and they compelled him to take them off. I found he had taken the body out of the water-closet, and taken off the clothes. I found out that the body was still unburied. I requested the Natives to deliver the body to me. It was given on condition that Mr. Grace was not to go near during the burial. At first they refused to allow it to be buried near the church, but after more presents they gave me permission to bury it where we liked. My crew and myself dug the grave, and exhumed the body, which we covered with carpeting given to us by Tiwai, and tied it round with flax. We carried it to the last resting-place, burying the clothes with it. We had the grave fenced in, and my brother placed a head board. It is laid close to the back windows of the church.

Thursday, 9, to Tuesday, 14.—Missing.

Wednesday, March 15.—Our time of detention having expired, to the joy of all the Natives, we sailed down the river. Wind was foul at the heads, and we dropped anchor. We put Tiwai back in a small boat, and found all the Natives gone some five miles up the river to consecrate a large new pole which they had raised for their new worship. We took a horse and went to the meeting. A bullock was killed and roasted, and they gave us 60 lbs. of beef to take on board, all the Natives being pleased at my brother's intention of staying with them.

Thursday, March 16.—At about half-past six this morning, the native, Heremeta, (who cut Volkner's head off,) came to my bed, and told me there was a large steamer coming along the coast close in shore. I mounted a chimney, and saw that it was H.M.S. "Eclipse." My brother and myself got into a canoe, and paddled down to meet her, delivering the letter given me for the Government to Mr. Rice. I told them what had occurred. The Bishop of New Zealand asked me if there was any hope of getting Mr. Grace. I gave them but little hope. They asked me if I thought steamers' boats could cut him out. I told them the Natives would have Mr. Grace miles up the bush long before the boat could land. His Lordship told me money was no object, but I assured him it was no use offering it, and entertained but little hope of recovering him. I told him Tiwai and William King were on shore; and he asked me to go and bring them off, as I thought it imprudent to send a ship's boat ashore. I left my brother on board, and went ashore with two of my men. William King and Tiwai were gone. I went in search, but was told by Mr. Grace, who was taking his usual walk, that the Natives were gone to a meeting respecting the arrival of the steamer. On seeing the rev. gentleman so sad, and knowing the fate allotted to him, I made up my mind to risk my life as well as those that were with me, to save, if possible, the rev. gentleman. I sent to tell him if he would walk down to the point of the river I would take him in; but after a thought I saw the danger of his walking it, so I told him to jump into the boat at once, which he did. I had some serge shirts in the boat, with which I covered him over. As he was getting into the boat, the women who missed him from the yard ran to the boat, and divining our intention ran off to the meeting being held in a whare nearly at the side of the river. It was now pull for our lives; and we did pull, the Rev. Mr. Grace being still at the bottom of the boat. Some Maoris appeared on the beach with their rifles, but as we had the tide in our favour, we managed to escape, and rowed our captive to the steamer. The parties on board, seeing no person in the boat but our own party, could not understand what I meant by singing out "He's all right." And you may guess they were all rather surprised on seeing Mr. Grace stand up as we went alongside. They were astonished to think what I had risked in bringing them off, for I received congratulation from every one. I now saw the difficulty I had got into by rescuing the rev. gentleman, as my schooner was still inside the heads, so I immediately applied to Captain Fremantle for a boat and crew to tow her out, to which he kindly consented, having gave me two armed boats and crews. As I was going ashore in my own boat I saw Tiwai standing at the heads, and at once went and took him, and found he had been away to the meeting with Wm. King at the time I was ashore looking for him. He was there when the news

came of Mr. Grace's escape, and told me that they immediately thought he was implicated in the escape, and proposed to shoot him, but he quietly slipped away from them into the bush, and reached the spot from which I took him. I conveyed him to the schooner whilst the steamers' boats were alongside, and found that Heremata and two others had been on board searching for Mr. Grace, but not finding him had taken away the canoe, which was alongside, so that the men on board should not escape. They had no idea of my intention to take the schooner out, and went ashore to collect more forces; but luckily we doubled them, and got over the bar with the schooner before there was any appearance of a great force. The men in the boats had a heavy pull for it, and succeeded in towing the schooner alongside the steamer, where they anchored. Tiwai and myself went on board and remained there, my brother going on board the schooner. Before I went on board his lordship sent two Maoris, whom he brought with him from Poverty Bay, to treat with the Natives for Mr. Grace, but as they did not come back Tiwai volunteered to go ashore to see about them, and try to get his wife away at the same time. Night came, but there was no sign of his return, or the other Natives. About ten o'clock a cry was issued that Tiwai was swimming off with a number of Natives after him. Captain Fremantle immediately lowered his whale-boat with an armed crew. I went with him to the surf, where we remained some time with loaded rifles, but could learn nothing. I had not eaten anything for some thirty-six hours, when Messrs. Hawkins and Parker gave me something to eat, and sent the schooner away during the night.

Friday, March 17.—The Bishop, very anxious about the Natives and others ashore, was endeavouring to gain some tidings about them in the captain's gig. We saw a large number of Natives on the shore, and his Lordship, Captain Fremantle, and Mr. Rice determined to have a korero with them. They were absent some hours, and returned with Tiwai. Every one was glad to welcome him back again. It was understood that the Poverty Bay Natives would walk him. We hauled up the whale-boat and got ready to go when we perceived some person on the beach waving a union jack. The captain sent ashore, and two Maoris were brought on board, who proved to be the ambassadors of the previous day. We immediately steamed away for Maketu and Auckland. Tiwai told us the Natives had ransacked my stores on finding I had taken Mr. Grace away. We arrived in Auckland on Saturday night, having passed H.M.S. 'Curacoa,' to which Captain Fremantle communicated the news. Before leaving with the schooner, I offered all the European inhabitants a free passage to Auckland.

The following is a copy of a letter presented to me by Dr. Agassiz and the European inhabitants of Opotiki, before I left:—

“Opotiki, March 5, 1865.

“To Captain Levy.

“Dear Sir,—Allow me to thank you, in the name of the Europeans at Opotiki, for the generous and prudent manner in which you acted during the late proceedings at this place, and for the manner in which you saved Mr. Grace's life.

Yours sincerely,
“A. AGASSIZ, M.D.”

“Opotiki, March 6.

“I, the undersigned, do hereby certify that I was present when M. and S. Levy gave up the whole of their stock in their store and vessel to the Natives, as a ransom for the lives of the Rev. Mr. Volkner and Mr. Grace.

(Signed) “A. AGASSIZ.”

ANOTHER ACCOUNT OF THE OPOTIKI MURDER.

The following letter has been sent to us for publication by Mr. William Winters Hooper, who, we are informed, has been a settler for the last sixteen years in Opotiki. It contains one important piece of intelligence, viz., the names of the actual murderers of poor Mr. Volkner. We prefer giving the letter in its present shape to altering its grammatical construction:—

DEAR FRIENDS OF AUCKLAND,—You will please to excuse the liberty I take in writing a small log of what happened at Opotiki, after my arriving there from Wakatane, on the 27th of February, two days previous to the arrival of the schooner “Eclipse,” Captain Morris Levy, which arrived on Wednesday, March 1, 1865, having on board as passengers the Rev. C. S. Volkner and the Rev. Mr. Grace, of Taupo; likewise three seafaring men, by the names of John Moore, acting first mate, one man by the name of Owen Jones, and one by the name of John Thomas; also one young man, a Jew, by the name of Lewis Montague. Now, dear friends, as soon as the vessel arrived at the landing place, where Captain Morris Levy had a brother residing there trading, the Pai Marire Natives, together with the Natives of Opotiki, immediately seized the schooner and likewise the whole of the property that was on board, consisting of biscuit, flour, rice, and sugar, and some other goods. They then immediately took charge of their prisoners, six in number—the Rev. Mr. Volkner and the Rev. Mr. Grace, three seamen, and Lewis Montague. These six persons were taken from the vessel to a native house, and there kept prisoners, that first day of March and that first night. Now, dear friends, during this first night of their imprisonment the Pai Marire Natives and the Opotiki Natives made out their intention of what was to be carried out the next day, Thursday March 2. Now, dear friends, we must look to what happened on this dreadful day the 2nd of March. In the first part of the morning all the Natives mustered together at the chapel and went through their pretending prayers in the religion of Canaan. It was some time getting towards noon when about thirty Natives, armed with guns, went into the house of the prisoners and requested the Rev. Mr. Volkner to come out, as they wished to talk with him, to which he readily agreed. They then led him unto the church, and there told him his fate, without proffering him the least trial whatever. In this state of affairs, what could he do, poor man? He must submit to the treachery of that savage race of Maoris. So they then led him from the church to his place of execution, about 40 or 50 yards from the end of my house, where I was in a great state of illness at the time spitting and vomiting blood sometimes in great profusion. As he arrived under the willow tree, the rope was placed on his neck by a great scamp, by the name of Pokanoa Te Awanui. My father-in-law a Native by the name of Ropiha te Harare, said to me, “William, do you not go outside at this present

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time, for fear you should catch sight of what is going on at the willow tree at Panapa's place." I said to him (my father-in-law), "What is the matter?" He immediately told me that they were hanging Mr. Volkner up to the tree. He had scarcely spoken these words when who should come running into the house but this lad Panapa, for the express purpose of seeing what time it was by my clock, as they all had agreed upon two o'clock as the specified time for pulling him up into the tree. As soon as the hour hand arrived at the two he (the said Panapa) ran out into my garden and gave the fatal signal. Now, friends, what must have been my feelings just at that moment? He was hoisted up into the tree more like a dog than a human being, amidst shouts and laughter most horrible to describe, especially from the female sex, who were far stronger in voice than the men. The chief men who were at this murder are those named—Pokanoa te Awanui, of the Ngatirua tribe; Heremita Kau Paia, belonging to Maketu (this is the Native who cut the Rev. Mr. Volkner's head off), Wihura, belonging to the Ngatira tribe; likewise Kareopa, one of the Pai-Marire Natives, belonging to Maketu—these four men the chief ones—the head chief at the time being absent. He was further down the coast. On his return he found the fatal deed was over. After hanging for the space of an hour and a half by my clock, the body was taken down and carried away to the place where his head was cut off. [The writer here details what was done with the body; that the head was given to an old Maori to preserve, so that the Pai Marires could carry it with one they had already brought with them. The particulars, which are the same as already given, are too revolting for repeated publication.—Ed. D.S.C.] Between the hours of three and four they went and fetched the remaining five prisoners, and brought them to my house. As soon as the five were inside of the house the rebels of Opotiki immediately tied their hands behind their backs, and the doctor was sent for and served the same; then they sent out some Natives in search of Morris Levy and his brother, Samuel Levy, who it appeared to me had gone out of the way in great fear. However the Natives soon found them and fetched them in and tied them up, the same as the rest. They then took all the knives from the whole of the party. Certainly, at the time it was rather difficult to know what was going to be done with them all. This did not last long. Only about an hour when one of the Pai Marire Maoris came running into the house as if exasperated at the Opotiki Natives for tying their friends, the Jews. Now he went to work and untied the whole, and set all free. As soon as all cleared away, the Opotiki Natives rushed in and plundered my house of everything that was inside. They did not as much as leave me a pot to cook in or a plate to eat out of. Now, dear friends, I must return to Mr. Morris Levy. His report to the inhabitants of Auckland is that he agreed to give up the whole of his property and also the schooner; but I myself, or any of the seamen on board, cannot see that account to be correct, when in the first place the schooner and property were seized and taken away by the Natives. Now after that the Natives agreed to give him (the said Captain Morris Levy, potatoes to pay for the property they had taken, of which myself and the three seamen, and likewise Lewise Montague, are well aware; for instance, the seamen had the job of shipping these potatoes on board. Now, secondly, here is one particular thing that I have to speak of, and that I wish all parties to well understand the meaning of. Times, and often, this said Morris Levy has said to me that he was sure himself and his brother were all right, because they were Jews. Now here is one more particular affair I have got to mention—that is about a prayer-book of the Hebrew language. Just before the departure of this wicked mob of Natives from Opotiki, he, the said Morris Levy, made this book a present to the head man of the Pai Marire tribe, by the name of Butler or Patara, telling him at the time that the prayer-book would be of much use to them, as they were travelling to introduce the religion of Canaan, to all the parties of Natives on the coast of New Zealand.—Yours, &c.,

WILLIAM WINTERS HOOPER.
OWEN JONES.
JOHN THOMAS.

Encl. 2 in No. 6.

Enclosure 2 in No. 6.

YOUR EXCELLENCY,

Whanganui, March 14, 1865.

HEREWITH I send the names of the leaders of the party who left Warea in the latter end of January last with Kereopa of the Ngatirangiwehewehi of Rotorua, who was returning from a visit to the Taranaki and Ngatiruanui people; and took with them the head of the soldier killed in a potatoe field at Waitara.

These may be the men who have killed Volckner, as they were to proceed to Whakatane, Opotiki, and Ngaiporou:

Patara Raukatura,	Ngatiawa,	Waitara,
Erueti Te Whiti,	Patukai,	Taranaki,
Hemi Tohu,	Do.	Do.
Matene,	Ttiai,	Do.
Hira Kukutai,	Patukai.	Do.

This information was given to one of my policemen at Hiruharama by one of the "Hau haus."

I am, &c.

(Signed) JOHN WHITE.

No. 7.

No. 7.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right
HON. EDWARD CARDWELL, M.P.

(No. 43.)

Government House, Wellington, April 6, 1865.

SIR,

(Received July 6, 1865.)

(Answered No. 63, August 19, 1865, page 225.)

In compliance with your instructions I transmitted to my Responsible Advisers, the correspondence between the Secretary of State and the Governor of South Australia,

respecting the removal of doubts as to the validity of certain acts of Colonial Legislatures.

My Responsible Advisers have in reply requested me to bring under your notice the points in connexion with this subject which are detailed in the enclosed memorandum.

I have, &c
(Signed) G. GREY.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

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Encl. in No. 7.

MEMORANDUM.

His Excellency the Governor, &c., &c.

His Excellency having submitted for the consideration of Ministers certain correspondence between the Secretary of State for the Colonies and the Governor of South Australia respecting the removal of doubts as to the validity of certain Acts of Colonial Legislature, Ministers respectfully request that His Excellency will be pleased to bring under the consideration of the Home Government the following points in connexion with the above subject.

By the New Zealand Imperial Guarantee Act, 1857, the Imperial Government guaranteed a loan of 500,000*l.* on account of the Colony of New Zealand, charged on the Customs and Territorial Revenue.

By the third section of the Act it was provided as follows:—

“No Act passed by the Legislature of New Zealand in anywise discharging or varying the security expressed to be given by the said recited Act of Assembly” (*i.e.* the Loan Act, 1856) “upon the revenue arising from the duties of import and export, and from the disposal of waste lands of the Crown for the repayment of the sums of money borrowed under such Act, and the interest thereon, shall be valid, unless such Act contain a clause suspending the operation of the same, until Her Majesty’s pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty with the advice of Her Privy Council, and a proclamation of such confirmation having been given shall have been made by the Governor or person administering the Government of the said Colony.”

The object of this clause was to prevent the security for the loan of 500,000*l.* and interest guaranteed by the Imperial Government from being diminished. At that time the Customs revenue of the whole Colony, according to the estimates for the year ending 30th June 1857, amounted to 117,414*l.* 7*s.* 3*d.* The Customs revenue, according to the estimates for the year ending 30th June 1864, amounted to 617,012*l.* 15*s.* 3*d.* There has been invested on account of sinking fund, to provide for repayment of this loan, up to the present time 64,701*l.* 9*s.* 4*d.* It will be seen therefore that whilst the liability of the Imperial Government has been reduced to about 435,000*l.*, the security on the Customs revenue has improved between five and six fold. The Customs revenue is now an ample and over abundant security for the remaining portion of the debt, without regard to the territorial revenue.

But the effect of the clause quoted is found to be extremely inconvenient in the numerous alterations which are from time to time found necessary in the laws affecting the waste lands of the Colony. Every change, however slight, varies in some degree the territorial revenue, and if the Imperial Act be strictly construed obliges the Governor to reserve the Act making the change for the signification of Her Majesty’s pleasure. The consequent delay is in some cases extremely inconvenient and prejudicial to the public service. Now and then this has been so extremely injurious that Ministers have been obliged in a doubtful case to run the risk of advising the Governor to assent to, without reserving the Act.

Subjoined is a note of the various Acts since 1860, which have come under the operation of these rules. The character of these measures will be at once seen, and that they have no practical effect on the Imperial security.

Wellington, Hawke’s Bay, and Taranaki and Regulations Act, 1860	-	not reserved.
Naval and Military Settlers’ Act, 1860	-	reserved.
Land for Compensation (Nelson and Marlborough), Act, 1860	-	”
Hawke’s Bay, Naval and Military Settlers’ Act, 1861	-	not reserved.
Nelson Waste Lands Regulations Amendment Act, 1861	-	reserved.
Auckland Immigration Certificate Act, 1861	-	”
Naval and Military Settlers’ (Marlborough) Act, 1861	-	”
Auckland Waste Lands Amendment Act, 1862	-	”
Gold Fields Act, 1862	-	”
Nelson Lands Act, 1862	-	”
Auckland Waste Lands Act Amendment Act, 1863	-	”
Otago Waste Lands Act, 1863 (No. 1.)	-	No clause of reservation.
Do. do. (No. 2.) 1863	-	”
Southland Waste Lands Act, 1863	-	”
New Zealand Settlements Act, 1863	-	”
Canterbury Waste Lands Act, 1864	-	”

Ministers respectfully suggest to His Excellency the desirableness of representing to the Imperial Government the great inconvenience which results from the operation of the clause above referred to in the Imperial Guarantee Act, as affecting all legislation by the General Assembly respecting the waste lands of the Crown; and to request that the Imperial Government will be pleased to cause the same to be repealed so far as regards the territorial revenue, or that a discretion may be allowed to the Governor in reserving or assenting to Acts of the above character or at any rate that the

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Governor be allowed to waive the rule, and to assent without reservation to Acts in cases in which he may be personally satisfied that the security of the Imperial Government will not practically suffer.

Imperial legislation will be necessary to get rid of the effect of the clause referred to.

It may be noted that in reference to the Customs Act of last Session, the Attorney-General of New Zealand was of opinion that the alteration made by that Act being only by way of addition and increase, the Act need not be reserved, the clause in question being only meant to apply to cases where the security was diminished, and it being of great importance that the Act should come into immediate operation.

Questions have also arisen under the Constitution Amendment Act, 1857.

By that Act power was given to the Colonial Legislature to alter, suspend, or repeal any of the provisions of the Constitution Act of 1852, subject to certain conditions and exceptions.

Acting on this power, the Colonial Legislature has in various laws passed Acts in excess, or in contravention of the provisions of the Constitution Act. It was considered that the effect of such Acts being indirectly to repeal, alter, or suspend the provisions of the Constitution Act, they were within the power of the Colonial Legislature, but Ministers do not accept that as the true construction of the Constitution Amendment Act. They understand by that Act that it was meant to enable the Colonial Legislature to repeal, alter, or suspend the particular provisions of the Constitution Act, so that the Constitution Act would be thenceforth read as altered by such repealing, altering, or suspending Act. In such altered form it would still remain the rule according to which the Colonial Legislature must govern its legislation, and no Act of the Colonial Legislature in excess or contravention thereof would be valid.

If this doubt is well founded, it may be well that a clause should be introduced into the proposed Imperial Act, validating all Acts passed by the General Assembly in contravention of the provisions of the Constitution Act, so far as the same may not be repugnant to the provisions of the Constitution Amendment Act, notwithstanding in such Acts the provisions of the Constitution Act shall not have been expressly repealed, altered, or suspended.

(Signed) FRED. A. WELD.

Wellington, March 18, 1865.

No. 8.

No. 8.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 45.)

Government House, Wellington, April 6, 1865.

(Received July 6, 1865.)

(Answered No. 50, July 26, 1865, page 217.)

SIR,

* Page 20.

IN my despatch No. 42 of this day's date, I stated that at Whanganui, upon the afternoon of the 14th of March, I had ascertained, to my horror, that the baked head of an English soldier had been sent on from Pipiriki on the Upper Whanganui, to Turanga, for the purpose of rousing the East Coast Natives to murder Europeans in that part of New Zealand.

The two principal chiefs of Pipiriki are Topia and Tahana. Immediately after this information had been communicated to me by the chief Pehi, his son Topia arrived at Whanganui, having been sent for to make his submission, he having previously come down the Whanganui River to within about ten miles of the town of Whanganui.

The friendly chiefs who had defeated Pehi and his tribe had entered into a convention with them to the effect that if they at once gave in their submission, they would guarantee them a full pardon from the Government. Our friendly chiefs had concluded this convention, without having any knowledge that Topia and Tahana, who had been brought up and had lived for years amongst the Europeans, with whom they had never had any cause of quarrel, had rendered themselves partners in such a crime as sending on the head of a European soldier with such an object.

In the course of the same night I was roused to receive the intelligence of the shocking murder of Mr. Volkner on the East Coast of this island by the parties who had taken on this head.

I therefore the next day, on seeing Topia, on his refusing to make his submission, felt myself justified in only undertaking to carry out the conditional promise of a pardon which had been made to him by the friendly Natives, if he fulfilled those conditions in the course of the day, which he declined to do.

I therefore allowed him to depart, and allowed him twenty-four hours to escape in, and then issued a proclamation calling upon all persons to aid in his apprehension.

I have the honour to transmit for your information a note drawn up by the Interpreter of what passed on this occasion, as also a copy of a report made by Mr. Booth of the result of his proceedings with Topia's people, to whom I despatched him, requiring them

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at once to come and make their submission; which twenty-four of their leading men immediately did, including Topia's son.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

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Enclosure No. 2.

Enclosure 1 in No. 8.

Encl. 1 in No. 8.

NOTES of INTERVIEW between his Excellency Sir GEORGE GREY and TOPIA TUROA, at Putiki, Whanganui, March 15, 1865.

Topia said that he had nothing to say. He had no desire to come from Ranikia to see the Governor. He was here because he was sent for by the Governor.

The Governor replied that he sent for him to come and take the oath of allegiance, and asked him if he would do so. He replied no. The Governor then said, "Listen to my words" (which were read by Mr. Fulloon). "Topia, who is one of the principal chiefs of Pipiriki and of the Whanganui River, has acted as priest for the Hauhau fanatics. He allowed Mr. Hewitt's head to be brought to Pipiriki as it was being carried to the East Coast by the party of the Hauhau people, who took it there to raise the East Coast tribes to war, and who have committed such a dreadful murder on Mr. Volckner.

"In my belief, it is the duty of a chief to give an example to his people and not to follow their advice.

"Topia gave them an example in doing that which has led to so great a crime, when he acted as their priest and leader in the Hauhau superstition. I believe from his having done so, and from his having allowed Mr. Hewitt's head to be brought to Pipiriki, and to be carried thence towards Turanga, where he knew they were taking it, and with what object, he is in a great degree responsible for Mr. Hewitt's and for Mr. Volckner's murder. I did not know these things when I heard that Hori Kingi, Mete Kingi, and others had allowed him to come in to the Lower Whanganui district.

"Now so dreadful a crime has been committed as the murder of Mr. Volckner's at Opotiki, it is quite time that we should know at once our friends from our enemies.

"Hori Kingi, Mete Kingi, and other chiefs having made promises to Topia, I shall feel bound to fulfil these promises, and to pardon him in the same manner as Pehi, if he at once takes the oath of allegiance. If he does not do this and declines to give an example of good to his people, but makes an excuse that he must first return up the river to consult them, I shall regard him as a person implicated in the murder of Mr. Hewitt and Mr. Volckner. He may return up the river to-day. To-morrow I will issue a notice offering a large reward for his apprehension, and he shall be tried for murder whenever he is caught." Topia: "I speak. You say that I am implicated in the murders of Mr. Hewitt and Mr. Volckner. It is correct I am implicated (now) in those murders, and also in the work of the 'Hauhau.' The work was theirs and I joined in (I uru au), and I was implicated, because I belonged to the 'Hauhau.' It was agreed by the people that Pehi should come to you and make peace, not me."

The Governor then asked Mete Kingi if they knew that Mr. Hewitt's head had been at Pipiriki, or not, when they made peace with them? Mete Kingi, Hori Kingi and several others answered "No." Topia: "The head had passed on when Hewitt was killed, it was another head. The Governor said, It does not matter whose head it was, the crime was the same." He believed it was Hewitt's, for he was told it was by very good authority. Mete Kingi: "He says, that he will not take the oath of allegiance, that Pehri was the only one that was arranged to do so, and that he Topia also did not come down on here his own accord. He came voluntarily to Ranikia and then to Kaiwaiki. He was not asked to do so. The chiefs that consented to take the oath were Pehri, Topia, Ye Tahana, Tamati Waka, and Hori Patene. Topine, Wi Pakan and Kopata were by at the time; they did not give any pledges, but the others did give pledges, those very things that we gave you, they gave them to us to give to you. I am looking at his words (not coming of his own accord,) and of what was said by his elders (tupunas). In my mind he cannot go against what Pehri has done." The Governor says that "Topia can go to-day and pursue him by the notice to-morrow. Would you not let Hori Kingi and myself have the management:

Topia: "Mite has enumerated the names of the chiefs who made peace. It is correct, but I made peace only with Hori Kingi and his people, not with you. Because I made peace with Hori Kingi and his people, that I was to make peace with you. I did not promise to live in peace with you, I did not give my pledge to you. I fought against Hori Kingi; my quarrel was with him, and good words are now between us, but with you I have made no peace. I did not come here to make peace. You sent for me that we might speak to each other. I quite agree to what you say about sending the notice (of reward) after me to-morrow. You have heard the words that I have spoken. If you choose to arrest me now you can. I am willing to be arrested without offering resistance. Do not think to frighten me into taking the oath of allegiance by threats. I will not take the oath of allegiance."

The Governor said he had better go at once. He would not have any further intercourse with him, with a man that had murdered his countrymen, and being implicated with such horrid crimes as the murder of Mr. Volckner, who was a good missionary. They hanged him near his own church, and in the presence of his own congregation they ate some parts of his body. He was sure the chiefs of Putiki would not countenance such a man. Depart immediately.

Topia then left. After a little while Hori Kingi came back to say that Topia would have spoken to the effect that he would go up to Pipiriki and consult Te Tahana, and would then come down the river with all his people and take the oath, for he was anxious to come here. He would not suppress what Pehi had done.

The Governor: He did not wish to frighten him into taking the oath. He only agreed to allow him to take the oath out of consideration for the promise made by Hori Kingi. He would give this

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day for the fulfilment of those promises, but to-morrow I will give 1,000*l.* reward for his apprehension and if caught he will be tried." The Governor believes that he will yet be caught and tried, and if convicted, very likely hung.

"It is a great crime that he has committed in allowing the head of Mr. Hewitt to be received at Pipiriki, and then to be taken towards Turanga for the purpose of raising the Natives to war. Those very men carrying that head had murdered a good missionary, Mr. Volckner; they hung him near his own church, they cut off his head, and eat his eyes, they eat his brains and heart, and gave his body to the dogs. This work began and went from Whanganui, from Topia, the priest of the 'Hauhau,' a man that has been brought up from his childhood amongst the Europeans, who has been kindly treated by them, and was never injured by them in any way. He will surely be punished. I shall never pardon him. He will yet be tried for these murders. I will offer 1,000*l.* reward to-morrow for his apprehension, which will stand good until he is caught. If the Europeans heard that Topia was here, and what he has done, I think that they would not let him get away.

"A chief ought to be an example to his people, and when he commits a crime he should be brought to justice and punished. In his (the Governor's) opinion he (Topia) should take the oath of allegiance to-day, and then go up and consult his people, and bring them down with him. If they did not, he might return alone. It was in this way alone that he could atone for the offences that he had committed."

(Signed) JAMES FULLOON,
Interpreter.

Encl. 2 in No. 8.

Enclosure 2 in No. 8.

To his Excellency Sir George Grey, K.C.B.

Putiki, Wanganui, March 20, 1865.

I HAVE the honour to report to your Excellency that on arriving at Ranana on the night of Friday the 17th inst., I at once forwarded a letter to Pipiriki. The following is a translation:—

Ranana, 18th March 1865, 12.30. a.m.

To Tohana Turoa, to Hori Patene, to Te Mokena, to Ihaia, to Kereopa, and to all the men at Pipiriki.

To Tamati Waka of Manganui-o-te-ao, and to his people; to Ropata te Korohite of Utapu, and to his people.

FRIENDS,

THIS is the Governor's word to you; you are to come down the river, and he will confirm the peace which was made by Hori Kingi and Mete Kingi with Pehi Turoa, and with all of you at Ohoutahi and at Pipiriki.

This is to tell all of you who are at Pipiriki and at Ohinemutu to come and meet me to-day at Hiruharama, and we will talk this matter over. Pehi will be there with me.

The reason why the Governor wishes you to come down at once is because of the dreadful crimes which have been committed by the Hauhau fanatics.

The head which was taken by Kereopa reached Opotiki.

The minister Mr. Volkner has been murdered, and his eyes, brains, and heart have been devoured by the Hauhau. The Rev. Mr. Grace is also a prisoner in the hands of these murderers.

The Governor says that the time has now come when he must know his friends from his foes.

The Governor has made peace with Pehi, they are now friends, but the words of Topia have not been straight and open like those of Pehi, and the Governor's thoughts about Topia are dark.

The Governor's word to you is this: If you wish to make peace with him on this day or at this time, he will make peace with you, and his thoughts will be light.

Your friends who were taken prisoners in the fight at Montoa are on their way back, the Ranga is their canoe.

When this letter reaches you, make haste and come the same hour.

From me J. BOOTH, from Mete Kingi.

The letter of which the above is a translation was sent to Pipiriki by five native policemen, they arrived at Pipiriki at daybreak on Saturday morning. After the letter was read, several of the principal men (about ten) said in answer that they would not go to make peace with the Governor that they had never intended to make peace with the Governor, and that the pledges were only pledges of peace between themselves and Hori Kingi; that it was a Maori quarrel, and the peace was between Maories only.

Tahana, who was at Ohinemutu, was then sent for. When he arrived he severely blamed the men who had before spoken for the course they had taken; he said "You Ihaia te Mokena and Tamati Waka sent those presents to serve as stepping stones across the river of difficulty and trouble to the favour of the Governor, and now you are trying to go back from that word."

They then made answer that Te Aropeta has asked them for the things as a gift to Hori Kingi.

About noon Tahana and Te Mokena came down to Ohoutahi, where they stayed for two hours to talk with Pehi and Topia.

About 2 p.m. they came to Hiruharama. Te Kepa first spoke. He told Tahana why he had come up, repeating in substance the words contained in my letters, but added, that the reason why they were required to decide on going down at once was because of the obstinacy of Topia, who had said openly that he had through his influence, as chief and priest of the Hauhau, consented to the murder of Mr. Volckner, and had also refused to make any terms with your Excellency. He was proscribed in consequence, and a price would be put on his head.

He then asked Tahana if he was willing to go to town and take the oath of allegiance. To which Tahana replied, "I have already told you at Pipiriki that I am ashamed to go back to the Pakehas, because I had no sufficient reason for leaving the Governor and coming over to this side. I was always well treated by the Governor, and without any reason I left him; that is why I am ashamed to go back. My word to Pehi when he went to town was, If the Governor says you are to go to Wellington or Auckland or elsewhere, go; and if Topia had been taken as he went down the river of his own accord, I should have said it was quite right. You have heard the answer of the Pipiriki people. I have blamed them because they have broken their word; I sent no pledge "because my way is not clear yet." Mete Kingi asked Tahana if he could not send a message to your Excellency to say that they would think over your message, and perhaps come down in a week or two. Tahana said, No, we shall not see our way any clearer than we do now."

I then spoke. I went over what I had said in the letter, enlarging more fully on the enormity of a religion which could countenance such awful crimes as they had been guilty of committing; that this horrid religion had been introduced in the Wanganui by bringing the head of a murdered man. When they embraced that religion they turned their hand against me, a man who had been living under their protection and entirely for their benefit. More horrible crimes had since been committed, with the knowledge and consent of all who had joined this system of iniquity. The Governor was willing to give them a last chance, and to make peace if they came at once; but now, after having heard of the dreadful crime committed on Mr. Volkner, if they still refused this offer of mercy they would all be looked on as murderers.

I then said "Tahana, are you willing to go with me to town, and to take oath of allegiance." He answered, "I have already stated why I cannot go at present." I said I must have a decided answer, the Governor is now determined to know his friends from his foes.

He then said, "I will not go." Then I said, "You will risk the consequence of this refusal?" "I will."

Te Molena then stood up. "I will not go to town. I will not make peace with the Governor. I sent a present, but it was for Hori Kingi. I will not take oath of allegiance."

Whilst waiting at Hiruharama for the arrival of Tahana, Mete Kingi and myself were talking with a man named Haimona from Taupo. I expressed my fears about the safety of Mr. Grace. He said "If Mr. Grace gets near Taupo he will not be killed. Te Heuheu has had a Runanga with his people. He has told them that Mr. Grace is to be plundered of his property; all his sheep, cattle, house property, &c. are to be divided amongst the Natives, he is to be taken prisoner, but his life is to be spared.

In speaking about Mr. Volkner, he said, Karawera (Galivel) a Roman Catholic priest, was a Kingite. He was doing the King's work; he has been put to death, that is why Mr. Volkner was murdered."

The men who took the oath of allegiance when Pehi did, have gone back to the Hauhau religion, with the exception of Pehi himself, Hohaia, and one or two others. They say they intend to live quietly, but to keep up that religion.

I have, &c.
(Signed) JAMES BOOTH.

No. 9.

No. 9.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 46.) Government House, Wellington, April 7, 1865.

(Received July 6, 1865.)

SIR, (Answered, No. 62, of Aug. 9, 1865, page. 225.)

I HAVE thought it better in reference to my Despatch No. 41* of the 4th instant, to give you the means of at any time answering all the important statements made in Mr. Fitz Gerald's letter to Mr. Adderley, of the 14th of November 1864.

Firstly, Mr. Fitz Gerald states, "I will now state one fact more, the most important, "I think, of all.

"After the taking of Rangariri, the Natives sent to sue for peace. The Governor replied that the General must go on uninterrupted to Ngaruawahia, the Maori King's palace, and then he would treat with them. The Natives replied that the General should go there, and then they would treat. They immediately withdrew all their forces to the southward of Ngaruawahia, and our army went up and occupied it without opposition, passing a defile which might have been readily defended, so as to cause us great trouble and loss.

"Notwithstanding that the solemn faith of the Governor had been pledged that negotiations should be opened for peace, no communication of any kind whatever was made to the Natives. The army continued to advance and the Natives to fight with the courage of despair. It is the opinion of many in this country, that just as favourable terms of peace could have been obtained after Rangariri as will even now ever be made after all the subsequent, and, as we believe, unnecessary slaughter.

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" You will find the evidence of these facts in the Sessional papers of 1863. The letter
" of Pene Pukewhau and the Governor's reply will be found in E. No. 5 D. pp. 6, 7, 8."

I have already addressed you on this subject in my Despatch No.* 174, of the 30th of November last, but I wish to add that every one of the important statements in the paragraph of Mr. Fitz Gerald's letter are wholly and absolutely untrue. I wrote to Te Pukewhau from Auckland on the 6th of December, to say the General must go on to Ngaruawahia, the capital of the Maori King, and the Queen's flag must be hoisted there before I treated with the Natives. The General took possession of Ngaruawahia upon the 8th of December. Te Pukewhau did not receive my letter until the 9th of December. The Natives did not therefore reply to me that the General should go to Ngaruawahia and did not immediately withdraw all their forces to the southward of that place, in consequence of my letter, for they knew nothing of it until the General had taken Ngaruawahia. The fact is, they were in full retreat before the General when I wrote it.

On the 16th of December I wrote again to the Natives, and Te Pukewhau having died before that date, the letter was delivered to his brother. In that letter I told the Natives, the General having reached Ngaruawahia, that I would receive a deputation from them and treat with them, it is therefore not true that no communication of any kind whatever was made to the Natives, as Mr. Fitz Gerald asserts. The papers enclosed in my Despatch of the 30th of November last will prove what I have here alleged.

Again Mr. Fitz Gerald states: " Sir George Grey repeatedly promised that the affairs
" of the Waitara purchase should be inquired into, and justice should be done, yet
" for eighteen long months he made no inquiry, and took no steps whatever in the
" matter."

I can only say that this is quite untrue. From the moment of my arrival in the colony, I did my best in every way to get the Natives to agree to an inquiry into the justice of the Waitara case; but no persuasion on my part or that of others could induce them to agree to such an inquiry. The writings of Mr. Gorst, of the Bishop of New Zealand, and of Mr. Fox, will be found to confirm what I say on this subject.

With regard to Mr. Fitz Gerald's statements, as to my having taken possession of the Tataraimaka block, I can only say that it is true I did that, and that I should do the same thing again. The Tataraimaka block had been by us fairly purchased from the Natives many years before; the validity of the purchase had never been called in question. It was only twelve miles distant from the town of New Plymouth, was only a few thousand acres in extent, had been nearly all in a high state of cultivation, had houses, a church, and places which had been the happy homes of families for years on it. These people had all been driven away, their houses and crops absolutely destroyed, and their horses, sheep, and cattle all carried off, by the Taranaki and Ngatiruanui tribes, to whom we had never done any wrong, who had murdered some of the settlers, and who, as Mr. Fitz Gerald says, claimed to have conquered this country from the English. To have let them retain possession of such a conquest so made was, I found, to encourage our enemies, to depress and alarm our Native friends, and to set race against race. I, therefore, thought it my duty as soon as I could to go and again take possession of our own lawful property, and I feel quite certain my doing so had a most beneficial effect on both races throughout these islands.

Mr. Fitz Gerald does not understand the English character, when he thinks they will sit quietly down, and see other people in possession of their houses and lands, which these people, to use Mr. Fitz Gerald's words, claim because they have conquered them from the English.

Nor does Mr. Fitz Gerald understand barbarous men. To have admitted that a chosen spot twelve miles from the town of New Plymouth, had been conquered from the English would have terrified the wavering, have prevented allies from risking their territories by helping a people that could not hold their own, and would have encouraged barbarians to attempt the conquest of new homesteads, the capture of more booty.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Vide Papers
presented
2nd March
1865, page 14.

No. 10.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 47.)

Government House, Wellington, April 7, 1865.

(Received July 6, 1865.)

SIR,

(Answered No. 50, July 26, 1865, page 217.)

ADVERTING to my Despatches Nos. 42* and 45* of the 6th instant, in which I alluded in part to information which had been given to me at Whanganui on the 14th of March, I beg to state that the intelligence imparted amounted to this: *Pages 20 & 36.

That on a previous occasion the head of a British officer, * * *, had been brought from Taranaki to Pipiriki; that it had then been placed upon a pole, that the population of the place had been induced to dance round it until roused to frenzy, when they rushed at it, bit it, and treated it with every indignity.

The two principal chiefs of Pipiriki were absent when this took place, aiding the Waikato tribes against us. On their return, they expressed no disapproval of what had been done, on the contrary Topia, one of these men, who had lived from youth much with Europeans, placed himself at the head of the fanatics, and became their priest.

Subsequently another baked head of an English soldier, who had been killed near New Plymouth, had been sent from Warea to Pipiriki, and thence with the knowledge of the chiefs of that place to Tauranga, for the purpose of rousing the East Coast tribes to deeds of violence.

The most material parts of this information were given to me by Pehi, on the afternoon of the 14th of March; in the night which followed came the news of the horrid murder of Mr. Volkner on the East Coast. Pehi, who was to have met me the next day, was so alarmed at this intelligence, that he ran away at dawn the next morning, and got off to the Upper Whanganui.

He did this with no intention of deserting us, but dreading some temporary outbreak of violence on the part of the European population, when such shocking news was received.

Pipiriki is situated about 80 miles up the Whanganui River; from thence branch off the roads to the East Coast to Taupo, to the Rangitikei, and to Taranaki and the Ngatiruanui country. It was the place through which the murderers must return to reach Warea; and it was the last spot from which they had proceeded in this part of the country to execute their purpose. It was also the place at which the baked head of a British officer had been exhibited in so revolting a manner by people who fully knew how great a crime they were committing.

All these circumstances made me conclude that Pipiriki ought to be forthwith taken possession of and occupied by us.

To do this was a service of difficulty and danger from the remoteness of the place, the rapids in the river, the want of any means of ascending it but by canoes, and the small force that could be collected.

Two hundred men of the Military Settlers being however available, and a body of friendly Natives having joined them, an expedition under Major Atkinson, the Minister for Colonial Defence, proceeded up the river on Friday the 31st of March, and on Monday the 3rd instant, they occupied Pipiriki, which is now in our possession.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

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No. 11.

No. 11. COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 49.)

Government House, Wellington, April 8, 1865.

(Received, July 6, 1865.)

SIR,

(Answered, No. 50, July 26, 1865, page 217.)

My Responsible Advisers have requested me to transmit the enclosed Memorandum, in which they place before you the present financial position of the Colony of New Zealand, and the line of policy which they propose to pursue.

I may in a few words state what is the result which may be gathered from this memorandum.

The Colony of New Zealand proposes for the future to dispense with all military assistance from Great Britain, and in all other respects to rely upon its own energies and resources. One of the results which the Colony hopes to attain from this policy is the relief of the Mother Country from that large annual expenditure which has hitherto entailed so considerable a sacrifice on the British tax-payer, which sacrifice the Colony recognizes with gratitude.

In pursuance of this policy and in order to make provision for its debt to the Imperial Government, the Colonial Government has transferred to the Imperial Treasury 500,000*l.* in debentures bearing interest at the rate of 4 per cent., and it will continue to meet the interest and sinking fund on account of these debentures as provided for in the Act of 1863.

It has also made a considerable increase in the taxation of the country, by raising the customs tariff to the extreme limit which the Colonial Ministers think practicable. It has also under consideration a plan for the imposition of direct taxation, and has made and is continuing to make all possible reductions in the expenditure.

You will find from the statements made by the Colonial Ministers that they undertake these responsibilities from a sense of duty, but with serious apprehensions as to the difficulties which may possibly fall upon the Colony, from the magnitude of the liabilities it is about to incur, and they submit that at such a time the Colony has a reasonable and just claim on the Mother Country for some pecuniary aid towards enabling it to bear the heavy responsibilities it is about to undertake, and that they trust therefore that the Home Government will extend its aid to the Colony either by covering the remainder of the three million loan by the Imperial guarantee, or by making to the Colony an annual grant in aid of the extraordinary expenditure for the next four or five years.

Upon this subject I beg to report that the Colony has already raised without the Imperial guarantee one million of its three million loan. The amount therefore they ask to be covered by the Imperial guarantee is two millions instead of one million as recently authorized by an Act of Parliament.

My own opinion is that to place the Colony in a position of security and prosperity, an additional million would be required in excess of the amount stated by my Responsible Advisers, and that if the intention is to give the Colony such a substantial assistance as will secure beyond doubt its future welfare, then the Imperial Government should cover by its guarantee a 4 per cent. loan for three millions instead of for two millions.

In giving this guarantee Great Britain would incur no risk, and would get rid of a very large annual expenditure at no cost to itself. At the same time it would confer a great boon on this Colony, and I think it will be generally admitted that New Zealand in now so cheerfully taking upon itself such large responsibilities, in pursuance of a line of policy which the Home Government wishes to see adopted, has really established large claims upon the consideration of Great Britain, and that it seems a sound and generous policy, not wholly to abandon a people involved in such difficulties as Her Majesty's subjects in New Zealand are, but rather to afford them an aid which whilst it will cost nothing may determine the question, as to whether a large number of British subjects and their descendants are for many years to come to live in safety and comfort and on good terms with the Natives, or are, on the other hand, to be involved in constant wars, sufferings and privations, whilst the Native race will probably melt away before them.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure in No. 11.

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Encl. in No. 11

FOR HIS EXCELLENCY,

MINISTERS transmit to his Excellency copy of letters of instructions sent by this mail to the Crown agents, requesting them to deliver to the Lords of the Treasury 500,000*l.* Colonial debentures, being part of the three million loan authorized to be raised under the Loan Act 1863, the interest to be at 4 per cent.

The arrangement contemplated by the late Colonial Treasurer (Mr. Reader Wood) was founded on a supposed guarantee, to be given by the Imperial Government, for a loan of one million sterling at 4 per cent., out of which a sum somewhat less than 500,000*l.* was to be retained by the Imperial Government to liquidate the claims on the Colony. For reasons already sufficiently made known that proposal failed. It now remains for the Colony to do its part towards carrying out an arrangement for satisfying the Imperial claim, which it is considered will practically be effected in the manner stated. The Colony having transferred to the Imperial Government 500,000*l.* 4 per cent. debentures, it will rest with the Imperial Government either to hold such securities, or to cover them with a guarantee, and realize them in the English money market. The Colony will account annually for the interest and sinking fund, provided for in the Act of 1863.

Adverting to the various negotiations which from time to time have been entered into, respecting the liquidation of the debt due from the Colony to the Imperial Government, and to the fact that the promises relative thereto, whether expressed or implied, still remain unfulfilled, Ministers are of opinion that the good faith of the Colony absolutely requires that it should no longer delay making definite provision for the discharge of this debt, lest the increasing liabilities of the Colony might unavoidably lead to an indefinite postponement.

On the latter point Ministers state, that on the one hand the Colonial Parliament would not (in their opinion) sanction, nor indeed could the Colony bear the burthen of any additional unguaranteed loan, and on the other, that, after deducting the present large payment, the most sanguine calculations based upon an assumption that hostilities will almost immediately cease, only show a possible remainder of the three million loan, barely adequate to meet such an expenditure as may enable the Colonial Government to carry out the outline of those precautionary measures of defence, which prudence will demand on the conclusion of 5 years warfare, in a country of mixed races.

His Excellency is aware of the extreme financial embarrassment under which Ministers have had to conduct his Government during the last few months, and will at the same time (they believe) readily admit that they have never proposed to recoup war expenditure by hasty and indiscriminate sale of confiscated land, whilst they have endeavoured cordially to co-operate with him in a firm but just and temperate policy towards the Native race.

Under all the circumstances of the case, at a time when the Colony, instead of clinging to a Commissariat expenditure, is proposing to rely on the energy and manhood of the settlers, and the loyalty of both races in order to secure the future peace of these Islands, and is thus adopting a policy one of the main features and immediate results of which will be to relieve the Imperial Exchequer of an annual expenditure of at least one million sterling, an expenditure which for some years past has entailed a sacrifice on the British tax payer which the Colony recognizes with gratitude at a time when capitalists decline the Colonial securities because New Zealand has been involved in a protracted and disastrous war, for which the Colony cannot certainly be deemed wholly if at all chargeable, and at a time when the Colony is parting with a considerable portion of its remaining securities to repay arrears to the Imperial Government.

Ministers submit that at such a time the Colony has a reasonable and just claim on the Mother Country for some pecuniary aid towards enabling it to bear the heavy responsibilities it is about to undertake.

They trust therefore that the Home Government will extend its aid to the Colony either by covering the remainder of the three million loan by the Imperial guarantee, or by making to the Colony an annual grant in aid of extraordinary expenditure for the next four or five years.

Ministers respectfully request that his Excellency will be pleased to transmit this Memorandum to Her Majesty's Secretary of State.

(Signed) WILLIAM FITZHERBERT.

March 23, 1865.

No. 12.

No. 12.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 53.)

Government House, Auckland, April 27, 1865.

(Received July 17, 1865.)

SIR,

(Answered, No. 50, July 26, 1865, page 217.)

I HAVE received from Sir D. Cameron a letter dated the 9th instant, in which he informs me that he has transmitted to Earl de Grey a correspondence which contains

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serious accusations against myself and the Colonial Ministers. I therefore enclose copies of this correspondence for your information, and I beg at the same time to place you in possession of my replies.

2. On the subject of the complaint of my not having on any occasions previous to the 16th of December last issued definite instructions to Sir D. Cameron, I can only say that my desire has been to leave him as free and unembarrassed as possible. If from my wish to attain this end I have fallen into an error in the contrary direction, I regret it. Had I on any occasion been asked for definite instructions, I would, in as far as I thought consistent with my duty, have given them; but in my opinion the instructions I gave were adequate and fitting for the occasions and circumstances they were destined to meet.

3. With regard to the instructions which I issued on the 16th of December 1864 having been unfortunately issued without my having any knowledge of the nature of the country, the strength and positions of the rebels, &c., and that therefore they were liable to be found inapplicable, I beg to say that they have not been found inapplicable, and that although I had never walked over that particular tract of country, I had had many and accurate descriptions of it from most intelligent people who knew it well, and that with the additional knowledge which has since been gained regarding it, I see nothing which I would alter or modify in my instructions of the 16th of December had I now the power to do so. I desire that they should stand as they are, and I take the full responsibility of them.

4. On the subject of the war being carried on for the profit and gratification of the Colonists, and Sir D. Cameron's being astonished at my employing troops in carrying on aggressive operations in the country between Taranaki and Whanganui, I would observe that I can see no just or reasonable grounds for this astonishment on the part of the General. To Sir D. Cameron, to the British Government, to the Colonial Government, to the Native race, I have repeatedly stated that after the Waikato tribes had been reduced, the safety of the southern settlements in New Zealand required that the tribes between Taranaki and Whanganui, who were amongst the most guilty of all tribes, and that in a great measure without cause, should be also reduced to submission. From this determination I have never swerved; that it was a necessary one recent events have shown. In the month of May 1864 the fanatical sect of Pai Marires, which was originated for political and aggressive objects in the country I am alluding to, determined to destroy the peaceful and unoffending settlement of Whanganui; they were descending the river of that name for the purpose of attempting this object, when they were met on the 14th of May 1864 and defeated by the friendly Natives; and so far were they from relinquishing their designs against the European settlers, that on the 6th of January, before Sir D. Cameron had quitted Auckland to engage in the present campaign, Kereopa, Patara, and their murderous followers left Warea with the head of a soldier, on their way from the Taranaki country to the East Coast, to convert other tribes to their superstition, and to try to bring about the destruction of the European race. Sir D. Cameron's own letters will also show that for some months he had acquiesced in the necessity of making preparations for this campaign, and his descriptions of the disposition and energy of the tribes living within 20 miles of the small European town of Whanganui will show that it could never have been safe until they were reduced to submission.

5. With regard to what is really an unfeeling observation, that I am as much disappointed as the rebel Natives that they have not had an opportunity of inflicting loss upon us, at little or no risk to themselves, and that the question of how many British officers and soldiers we may lose, is a point which never sufficiently enters into my calculations, I can only say that for more than twenty years I have had to take care for the safety of various parts of Her Majesty's possessions, often under circumstances of considerable danger, and with inadequate means; under the blessing of Providence, and by the ability and valour of the officers and men of Her Majesty's military and naval forces, British and Colonial, such parts of the Queen's possessions have always been preserved intact and in safety. I feel sure that it would be found that the loss of life on our side on all the occasions I allude to has been very small. This is certain, that such an accusation as is now made has never before been alleged against me, Unfortunately recently in one or two instances in New Zealand our loss has been very large, although on other occasions very considerable results have been gained here with very trifling loss. In those instances in which so large a loss of life has taken place, I fearlessly challenge inquiry as to whether I am in any way to blame for what took place.

6. In reference to certain places in this country which it is complained that I thought should have been attacked, I need not enter into details on these past events, nor explain the period of time, or the manner in which I think such operations could have been safely and successfully undertaken, if this had been rapidly done. I need only say that any operations I should have advocated would have been of a regular kind, which, with due precaution and our powerful artillery, could I believe have been accomplished with little loss against a people having no artillery, and often but indifferent fire-arms, and that I should have undertaken them because I believe it is difficult to suppress a rebellion by passing strong places containing large bodies of rebels in arms, and falling on villages, for by so doing you allow the rebels to disperse and gain new adherents amongst an embittered population, who are too liable to attribute our avoidance of their strong places to wrong causes; and so far am I from being reckless of the lives of British officers and soldiers as such, that if no troops had been here, I should have unhesitatingly directed that Her Majesty's subjects in this country should, under the command of their own officers, have undertaken these operations; I feel sure that they would have cheerfully and resolutely done so, and that they would have brought them to a speedy and successful termination, as I am also satisfied Her Majesty's regular forces would have done. If Sir D. Cameron means that I interfered improperly to try to force him into hazardous operations, I must deny that I did so, and the correspondence transmitted contains abundant proof that such was not the case.

7. I trust that the remarks made by Sir D. Cameron regarding Mr. Mantell will not prejudice any one against that gentleman. I have known him for many years, and believe that he has been most unjustly and unnecessarily attacked, and that no person would more deeply feel a loss of British officers and soldiers than he would.

8. Sir D. Cameron not having informed me which are the letters of which he has sent home copies, I have thought it better to put up the entire correspondence.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 1 in No. 12.

Encl. 1 in No. 12.

Sir G. GREY to Sir D. CAMERON.

SIR,

Government House, Auckland, December 16, 1864.

ADVERTING to my previous correspondence with you upon the subject of the operations which should be undertaken during this summer, I have the honour to acquaint you that the information now in possession of the Government leads me to conclude that it is not at present necessary to retain in the Province of Auckland more than one regiment to be available as a reserve which could be moved to any point that might be threatened. In addition to this regiment the Militia force of this Province will be always available if any emergency should arise. This arrangement would as I understand leave at your disposal a force of two regiments which might be employed either in the Taranaki or Whanganui districts.

The objects which this Government is anxious to attain at those places or in their neighbourhood is as follows.

The military occupation of sufficient country to give possession of the Patea River from the sea to the forest, and of the country between that river and Whanganui, so that the Waitotara road may be carried on.

Such occupation of the country from Tataraimaka southwards as will secure for settlement a block of land between Tataraimaka and the Stony River.

The ultimate object aimed at by these proposed arrangements is the construction of a thoroughfare between Taranaki and Whanganui, and the establishment of military settlements at such points along that line as may be found convenient.

And my wish is that in so far as the force at your disposal will permit, you will take such measures as may appear to you most likely to conduce to the end which the Government desire to attain.

I have, &c.
(Signed) G. GREY.

FURTHER PAPERS RELATIVE TO

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ZEALAND.

Enclosure 2 in No. 12.

Sir D. CAMERON to Sir G. GREY.

Auckland, January 6, 1865.

Encl. 2 in No. 12. MY DEAR SIR GEORGE,

WITH reference to our conversation this morning in which you mentioned that the present Ministers had stated to you that they had the highest military authority in the colony for the opinion they have expressed that the whole country between Taranaki and Whanganui could be taken and occupied for the purposes of settlement by a body of 1,500 men, I think those gentlemen should name their authority, and I hope you will insist upon it.

Very truly yours,

(Signed) D. A. CAMERON.

P.S. I suppose there is no objection to my stating in my despatch to Earl de Grey that I endeavoured to dissuade you from going down to Dunedin at this very critical time.

(Signed) D. A. C.

Encl. 3 in No. 12.

Enclosure 3 in No. 12.

Sir D. CAMERON to Sir G. GREY.

Auckland, January 10, 1865.

MY DEAR SIR GEORGE,

I HAVE arranged to embark in the "Falcon" on Thursday afternoon. If Mr. Mantell is to accompany me it is necessary that you should make application to the Commodore for a passage for him.

Very truly yours,

(Signed) D. A. CAMERON.

Encl. 4 in No. 12.

Enclosure 4 in No. 12.

Sir G. GREY to Sir D. CAMERON.

SIR,

Government House, Auckland, January 6, 1865.

Jan. 5, 1865.

UPON the 16th ulto. I addressed you upon the subject of the operations I proposed should be undertaken between Whanganui and Taranaki. I yesterday received from my Responsible Advisers a Memorandum of which I enclose a copy in relation to those operations as pointed out in my letter of the 16th ulto. which letter was written with their concurrence and after I had held several consultations with Mr. Weld and yourself.

As the enclosed Memorandum refers to opinions you have made me acquainted with, and which I concur in, I have thought it right to furnish you with a copy of it.

So soon as I receive from my Responsible Advisers their plan for raising such a force in the colony as will meet the requirements of the colony, to which they allude in the enclosed Memorandum, I will again address you in reference to my letter of the 16th ultimo.

I have, &c.,

(Signed) G. GREY.

The Hon. Lieut.-General Sir D. Cameron K. C. B.

&c.

&c.

&c.

MEMORANDUM by Major ATKINSON.

MEMORANDUM FOR THE GOVERNOR.

Ministers respectfully bring under the consideration of his Excellency the following points in reference to the proposed operations between Taranaki and Whanganui. They desire to express their views as to the character of those operations, the objects for which they are undertaken, and the extent to which military aid may in their opinion be advantageously afforded.

They consider it indispensable to the permanent safety of Taranaki, and therefore to the general pacification of the country.

1st. That a passable military road should be opened between Taranaki and Whanganui as soon as possible.

2nd. That the settlement of New Plymouth should be strengthened and extended both north and south by the location of settlers on land continuous with the present settled blocks.

3rd. That Whanganui should be strengthened towards Waitotara in a similar manner, and further by the establishment of a strong post and settlement at Patea.

4th. That one or more strong posts (with a view to future settlements) should be established between Patea and Taranaki in order to keep the road open.

The large majority of Natives in this district are and always have been amongst the most lawless and turbulent of the native population. They have committed the worst and most unprovoked outrages on the settlers, and are now in a state of open, armed rebellion against Her Majesty's authority. There can be no permanent peace till these natives are reduced to submission and their country opened.

The extent to which military aid may be given in these operations must be determined by his Excellency and the Lieut.-General. Ministers are very anxious that the proposed operations should be carried on with vigour and advanced as far as possible this season; but they wish it however to be distinctly understood that in their opinion no steps should be taken, which may necessitate delay in the reduction and final withdrawal of the troops from the colony. They do not believe that the employment of Her Majesty's troops would be beneficial if attended with any such results. Subject to this it appears to Ministers that so long as the troops remain here they may be employed advantageously for

the purposes above indicated from circumstances which need not be adverted to, but over which the present Ministry had no control; the colony is unable to provide for a heavy expenditure. They contemplate however employing upon the roads the labour of friendly Natives; say two hundred at each end; besides such strength as the Provincial Governments of Wellington and Taranaki may be enabled to add. Beyond this the means at command will not enable them at present to go; but it would be desirable in order to expedite the work that the soldiers themselves should be employed upon the roads, receiving additional pay upon a fair and liberal scale. If this arrangement were made, Ministers would be prepared to hand over an adequate amount of colonial debentures to cover such charges.

The superintendence and direction of the road making would then be arranged in concert with the military authorities.

Ministers are of opinion that before operations are commenced a Proclamation should be issued announcing distinctly his Excellency's intentions.

Ministers are aware that there is a seeming inconsistency in stating that active operations are necessary for the safety of Taranaki and at the same time requesting that such operations should not be undertaken by the troops if by so doing it would retard their departure from the Colony.

Ministers in these recommendations have taken it for granted that a considerable number of the troops as present in the Colony would remain until the decision of the Home Government shall have received upon the question of their withdrawal, and have therefore recommended their employment in the meantime at Taranaki and Whanganui.

Ministers now understand however that his Excellency and the General regard the plans recommended in their memorandum of the 15th of December as likely to involve the detention of the troops now in the colony for an indefinite period, and the probable necessity for a reinforcement. They are not themselves of opinion that any such consequence need be apprehended; but assuming the views of his Excellency and the General to be correct, Ministers are neither prepared to recommend that any operations likely to have that effect should be undertaken by the Imperial forces, nor to hinder by any recommendations of theirs the reduction of the forces in the colony which would otherwise take place. Should the force be reduced, Ministers will be prepared to modify their proposed plan accordingly. Should his Excellency however determine to commence operations at Taranaki with the Imperial troops, Ministers will be prepared, whenever the Home Government may withdraw them, to occupy the necessary posts with colonial troops.

Ministers will lose no time in submitting to his Excellency their plan for raising such a force as in their opinion will meet the requirements of the colony.

Colonial Defence Office, Auckland, January 5, 1865.

(Signed) H. A. ATKINSON.

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Encl. 5 in No. 12.

Sir D. CAMERON to Sir G. GREY.

SIR,

Auckland, January 6, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date, enclosing a memorandum from Ministers on the subject of military operations between Taranaki and Whanganui, and I shall feel obliged if your Excellency will inform me whether you wish that operations should be commenced at Whanganui as soon as practicable by the force I have already removed there, in compliance with the instructions conveyed in your letter of the 16th ultimo, or whether you wish that they should be deferred until I receive further instructions from your Excellency.

His Excellency Sir G. Grey, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) D. A. CAMERON, Lieut.-General.

Enclosure 6 in No. 12.

Encl. 6 in No. 12.

Sir G. GREY to Sir D. CAMERON.

SIR,

Government House, Auckland, January 7, 1865.

IN reference to my letter to you of yesterday's date, in which I enclosed for you information the copy of a Memorandum which I had received from my Responsible Advisers, and to your letter of the same date in reply to mine, I have now the honour to inform you that my Responsible Advisers have cancelled and withdrawn the Memorandum which I then transmitted to you, and that no necessity exists for altering or departing from the instructions contained in my letter to you of the 16th of December last, regarding the measures to be taken in the country between Whanganui and Taranaki.

The Colonial Ministers now propose to raise a Colonial force of 1,500 men, and as soon as the state of the country will admit of their doing so, to dispense with the services of the troops, and to undertake their own defence with the force thus raised. As soon as I receive the details of this plan, I will communicate with you upon the subject.

I have, &c.,
(Signed) G. GREY.

FURTHER PAPERS RELATIVE TO

NEW
ZEALAND.

Enclosure 7 in No. 12.

Sir D. CAMERON to Sir G. GREY.

"

Encl. 7 in No. 12. MY DEAR SIR GEORGE,

Auckland, January 11, 1865.

I RECEIVED letters late last night from Col. Waddy. At the time he wrote, the troops were encamped on the left bank of the Muokawan stream, and were employed in making the road from Whanganui passable for carts. Colonel Waddy had reconnoitered the country as far as Nukumarū without coming into collision with the rebels. Nukumarū is about two miles distant from the rebel position at Wereroa.

Major Greaves represents the country as being very broken and difficult, and says, I know not on what authority, "one thing is very certain, and that is that the men who sold the block had no right to do so, and it is the old Waitora dodge for getting up a war, and the consequent military expenditure at Whanganui."

Very truly yours,
(Signed) D. A. CAMERON.

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Enclosure 8 in No. 12.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Auckland, January 12, 1865.

THE steamer "Wanganui" leaves the Manukau at daybreak to-morrow morning, for Wanganui. General Waddy has instructions from me to commence operations as soon as he has means of transport sufficient to enable him to do so. Do you wish me to send him other instructions by the Wanganui?

Very truly yours,
(Signed) D. A. CAMERON.

Encl. 9 in No. 12.

Enclosure 9 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Government House, Auckland, January 12, 1865.

I AM very glad to hear that General Waddy has been instructed to commence operations as soon as he has means of transport to enable him to do so. I have heard nothing yet to make me think that these instructions should be altered. If any additional news reaches me before to-morrow morning which leads me to change my views on this subject, I will at once communicate with you again.

Very truly yours,
(Signed) G. GREY.

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No. 12.

Enclosure 10 in No. 12.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Auckland, January 13, 1865.

WITH reference to our discussion this morning about the military settlements, it would be as well if the Government took the opinion of Colonel Haultain, one of the persons most interested in the question, whether the Military Settlers under his command will undertake to hold their front, and keep the communication open with Auckland, without the aid of Her Majesty's troops, for if the latter are considered superfluous, I shall be happy to withdraw them at once.

Very truly yours,
(Signed) D. A. CAMERON.

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No. 12.

Enclosure 11 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

New Plymouth, January 18, 1865.

YOU will be surprised to hear that we have not yet got further than this place. We arrived on Saturday morning, but instead of re-embarking for Whanganui the same evening as I had intended, I was persuaded by Colonel Warre and Mr. Parris to remain here until Monday. In the meantime the weather changed, and it rained and blew so hard on Sunday night, that on the following morning the "Falcon" was not to be seen at her anchorage, Captain Parkin having, I suppose, thought it necessary for the safety of his ship to put out to sea. It has been blowing almost a gale of wind ever since, and the "Falcon" has not made her appearance, but as the weather is more moderate to-day, she may come in this afternoon, in which case I shall embark immediately for Whanganui.

The grounds on which I was recommended by Colonel Warre and Mr. Parris to remain here till Monday, are the following. It appears that the murder of the Native, his wife, and child, north of the Waitara, of which I presume you have by this time received a full account, has created great disgust among all the Natives, rebel as well as friendly, and Hapurona has proposed to Colonel Warre to meet him at Te Waiti. Colonel Warre sent a message to tell him that he agreed to this, and the messenger was expected back on Monday afternoon with some definite intelligence as to Hapurona's intentions. Hapurona has received a letter from the Ngatiruanuis, stating that they do not intend to aid the Waitotara natives against us, and Mr. Parris thinks that if Hapurona and his followers give

in their allegiance, he might be made a useful agent in bringing the Ngatiruanuis to terms without hostilities, provided that I did not previously cross the Waitotara, as in that case they would probably consider themselves bound in honour to fight. I was, therefore, persuaded to wait until Monday, in order that I might know Hapurona's intentions before I left for Whanganui, and regulate my proceedings accordingly. For if there is any chance of the Ngatiruanuis being brought to terms without hostilities, it will be better not to cross the Waitotara. The messenger, however, has not yet returned, owing, it is thought, to the heavy rains which have flooded all the streams, and I do not like to wait any longer, but I shall endeavour on my arrival at Whanganui to ascertain the disposition of the Ngatiruanuis, and if I see any opening for settling the matter by negotiation, I shall take advantage of it.

I find that if Colonel Warre occupies the line of the Stony River, he will still have a moveable force of sufficient strength to meet any attack likely to be made upon him, and I have therefore authorized him to push his outposts as far as the Stony River, whenever he may find it convenient. This makes it necessary that the question about Minerapa, &c. should be settled at once, and the Government are so dilatory about it, that I have instructed Colonel Warre to take Minerapa and any other Natives suspected of murder into military custody, to keep them until he receives instructions from you as to their disposal, and to administer the Oath of Allegiance to the remainder of the Hapu who are still on the south side of the Katikara, uncertain what is to be done with them. I hope you will approve. These Natives surrendered to Colonel Warre are still beyond our outposts, and I think the less the local authorities have to say to them the better.

I hope everything is quiet on the Waikato.

Very truly yours,
(Signed) D. A. CAMERON.

Enclosure 12 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

Encl. 12 in.
No. 12.

MY DEAR SIR GEORGE,

Whanganui, January 21, 1865, 7 p.m.

SINCE I wrote to you this morning the "Whanganui" has arrived with a mail from Auckland. There was no letter from you; but from what General Carey and others have written, it appears that everything is perfectly quiet on the Waikato frontier, and is likely to continue so. I have, therefore, desired General Carey to send me the remainder of the 2nd Battalion, 18th, as the establishment of a line of posts for the protection of the out settlers, the necessity of which I mentioned in my letter of this morning, reduces very considerably the force at my disposal for active operations, you will still have at Auckland a reserve of between 700 and 800 men. If, however, you think the state of affairs is such as not to admit of the withdrawal of the remainder of the 18th from Auckland, I beg that you will telegraph to General Carey accordingly.

Very truly yours,
(Signed) D. A. CAMERON.

P.S.—I am very anxious to have the Gundagai here as soon as possible.

(Signed) D. A.

Enclosure 13 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

Encl. 13 in
No. 12.

MY DEAR SIR GEORGE,

Whanganui, January 21, 1865.

I ARRIVED here yesterday and found that General Waddy had not moved beyond the Kai-iwi. This little place is in some excitement, news having come in this morning that Rio, a friendly chief, has been taken and murdered by the rebels, and that the whole of his small hapu at Pa karada have been taken prisoners. If we do not look sharp they will soon begin murdering and plundering our own settlers, and I am going to establish a line of posts for their protection along the Kai-iwi to a point about nine miles up the Whanganui river, as I do not like to cross the Waitotara until I have made the settlement safe, at least on the right bank of the Whanganui river. If unfortunately any disturbance should break out on the other side of the river, the greater part of the settlers would be ruined, as they are so widely scattered that it would be utterly impossible to protect them on their farms. The more I think about it, the more I am convinced that we have done wrong in bringing war into this hitherto quiet settlement. I hear that you are going to Dunedin, but I hope it is not true.

Very truly yours,
(Signed) D. A. CAMERON.

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Sir G. GREY to Sir D. A. CAMERON.

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No. 12.

MY DEAR GENERAL,

Kauwau, 26 January, 1865.

I HAVE received your two letters of the 21st inst. I am very glad to hear of the arrangements you have made for protecting the settlers on the right bank of the Whanganui. I have telegraphed to General Carey to send you the troops you have sent for, the remainder of the 18th. The "Gundagai" sailed immediately in compliance with your wishes, at least, an express has been sent ordering her to sail. Everything continues perfectly quiet here; unless I am satisfied that the country is entirely safe in this quarter, I will not go to Dunedin.

The English mail has not yet come in, we are all very anxious here upon the subject. I have

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already told you in another letter that I entirely concur in your instructions to Colonel Warre, and in the several steps you took at Taranaki. As I shall probably have another opportunity of writing to you before this letter is sent off I will not say more now than that I think the present expedition was essentially necessary, and that it will, I still trust, settle this war. I wish you all the good luck and success you can desire.

The Honourable Lieut.-General Sir D. A. Cameron, K.C.B.
&c.

&c.
Whanganui.

Very truly yours,
(Signed) G. GREY.



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Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Wanganui, 28 January, 1865.

BEFORE this reaches you, you will probably have seen some account in the papers of our fight with the Maories on Wednesday last. It was by far the boldest attack they have yet ventured to make. The nature of the ground surrounding our camp enabled them to assemble near us unperceived, and our picquets were attacked so suddenly, that they were forced back some distance before reinforcements could arrive to their assistance. They attacked our front and right flank simultaneously. On our right they penetrated to within 150 yards of our camp, when being turned on their left and charged by our small party of cavalry, they gave way and fled to the bush a good deal faster than they came out of it.

The fight lasted longer on the left, but they were beaten back on that side also and obliged to retire into the bush. Our loss was considerable, but the Maories must have suffered still more severely, although we did not pick up more than 11 dead bodies, and two wounded men. With one exception, the killed and wounded were natives of Kawhia, the Ngatiruaahuis having according to their custom kept well out danger. We were informed by one of the wounded that the attacking party was 600 strong, and as they left a garrison in the pah, they must be in considerable force on the Waitotara.

I consider my force insufficient to attack so formidable a work as the Wereroa Pah. It would be necessary to establish two posts to keep our communication open with Whanganui, and we should have to furnish escorts daily for convoys. This would reduce my force to 7 or 800 men, which would not be sufficient to provide for the protection of the camp in such a country, and at the same time to carry on all the laborious operations of the siege. Instead of 1100, men my present available force, I should require 2,000. Besides, I should not have a single soldier left in reserve, and if anything should happen in any other part of the settlement, it would take a week or ten days to remove all the stores and raise the siege. For these reasons I do not intend to attack the pah, but to cross the Waitotara and see what can be done on that side. I came into town on Thursday afternoon for the purpose of getting a look at the mouth of the Waitotara from the sea. We started early yesterday morning in the "Sandfly," but when we got outside the bar, it blew so hard from the west and there was so much sea, that it would not have been possible to have got near enough in shore to see the coast well, and we turned back. To-day it is blowing a gale. I hope that vessels can get into the Waitotara, and that we shall be able to establish a depôt on it, as it would be impossible to supply a force north of the Waitotara by land. From the Waitotara I propose, if the settlement is not attacked, to advance towards the Patea, and if I should succeed in forming a post on that river, I shall have but a small force left for anything else; but I suppose that as long as 100 men can be collected together we shall be required to carry on this miserable war for the profit and gratification of the Colony. Since I have been in this part of the world, I have made inquiries about the purchase of the Waitotara block, and have reason to believe, that it was a more iniquitous job than that of the Waitara block. I am not surprised that the Natives have opposed our road-making. The Government at home ought to be made acquainted with the true history of the business.

You will have heard of Colonel Warre's advance to the Stony river, and apprehension of the Natives suspected of murder. Colonel Warre talks (how easy it is to talk!) of marching down the coast with a flying column of 500 men, and meeting me at the Patea; but for what object he does not explain. He calculates on meeting with no opposition, and his march would of course only be possible on that condition; for 200 men in a good pah would effectually bar his progress, and if attacked by such a body as that by which we were attacked on Wednesday, he would inevitably come to grief.

The news is rather bad from the Upper Whanganui, where our friendlies are expecting to be attacked by superior numbers. What is most to be apprehended is an irruption of rebels into our settlements on the south side of the Whanganui River. No advantage that we can possibly gain north of the Waitotara would compensate for the loss of life and property which would, in that case be inevitably sustained by the settlers. Our proceedings are something like those of a man who, living in a glass house, is constantly throwing stones at the blackguards about him. All the well-to-do settlers are I believe aware of the folly of this course, and deprecate the war, but the shopkeepers and settlers greedy of land of course delight in its continuance.

Very truly yours,
(Signed) D. A. CAMERON.

Enclosure 16 in No. 12.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Whanganui, 1 February 1865.

I HAVE been detained in this place much longer than I expected, waiting for an opportunity of reconnoitering the mouth of the Waitotara which I only succeeded in doing yesterday. It is Mr. Cadell's opinion that there will be no difficulty in getting the "Gundagai" into the river. I return

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to camp this afternoon, and intend to cross the river as soon as possible, and establish a depôt at its mouth, but still holding on for the camp at Nukumara, so that I may have the option either of attacking the Wereroa Pah, if I can muster men enough, and get a good opportunity, or of carrying the whole of my force across the river with the view of operating in the Ngatiruanui country. The day after I landed here I got Mr. White to send a letter to the Natives at Wereroa, who he told me consisted of Waikatos, Ngatiruanuies, and Taranakis, telling them that I was ready to listen to any offer of terms they might wish to make, but the messenger was fired upon, and obliged to return without having delivered the letter.

You will see from my official letters the steps I have taken to augment my force. It would have caused great delay to have referred the matter to you, and waited for your answer, for there has been no opportunity of communicating with Auckland since the 22nd of last month. I think some arrangement should be made immediately to ensure regular and constant communication between this and Auckland, as long as operations are being carried on here, and you remain in Auckland. The withdrawal of troops from Wellington and Taranaki will probably create some discontent, as it may necessitate the calling out of militia and volunteers at those places; but if the Government are determined to continue the war, they must expect to be called upon to bear part of the expense. I find cavalry most useful, but the military train and artillery were not sent out for that kind of service, and I think the Government ought to place the Defence Force on its former footing. I wish you would bring the subject to their notice.

We may perhaps see you here on your way to the new seat of Government, when you can leave Auckland.

Very truly yours,
(Signed) D. A. CAMERON.

P.S.—Mr. White has just come to tell me that he has received a letter from the Upper Whanganui stating the Natives acknowledge to have lost 70 killed on the 22nd, among them several chiefs.

(Signed) D. A. C.

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Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp, Nukumaru, 3 February, 1865.

We are still here, but I hope to cross the Waitotara to-morrow night, or rather at daybreak the following morning. I expected to do so without opposition, but it is impossible to say now what may happen, as the "Whanganui Chronicle," has thought proper to publish my intention to cross the river, at what point it is to be effected, &c., &c. The only way of putting a stop to such mischievous proceedings is to proclaim martial law, which I request may be done at once, otherwise it is a question whether it would not be better to remove the troops from this part of the Colony. The Maoris have been very quiet since the last fight, which is not surprising, considering their heavy loss.

Very truly yours,
(Signed) D. A. CAMERON.

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Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp Waitotara, February 8, 1865.

We crossed the Waitotara on the morning of the 5th instant without seeing a Native, and are now encamped on the left bank of the river about a mile and a half from its mouth. I left more than half the force in the camp at Nukumaru. The "Gundagai" entered the river in the evening of the day we crossed it, bringing us provisions for several days, and she brought us a further supply this morning. As she can always cross the bar in fine weather, our communication by sea with Wanganui is tolerably secure. I am forming a depôt here, and constructing a work for its protection, preparatory to our advance towards the Patea. I shall then probably remove the remainder of the force from Nukumaru to this side of the Waitotara, giving up the communication by land with Wanganui for a time, so that I shall have nearly the whole force and land transport available for service on this side of the Waitotara. I can always restore the land communication with Wanganui when necessary. My calling out part of the Militia and Volunteers at Wanganui has of course created dissatisfaction; the Colonists there as elsewhere expecting to have nothing to do, but to enrich themselves by the presence of the troops, without any trouble or inconvenience to themselves. The Volunteer cavalry under Captain Cameron positively refused to march to Nukumaru, until Colonel Logan had expostulated with them, and as we shall never get any good out of those gentlemen, I wish you could induce the Government to raise the Defence Force here to its former establishment. I hope the Commodore has been able to send a vessel to Wellington, and it would be a great advantage to have one also stationed in the Manukau. We have not yet received the English mail, our existence being apparently quite forgotten at Auckland. What is the Falcon about? could not she have brought it? Our not being able to answer any of our letters by this mail may entail inconvenience on the public service. We are altogether in a curious position, you at Auckland, the Ministers at Wellington, and I here without communication with either of you for weeks together.

Very truly yours,
(Signed) D. A. CAMERON

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ZEALAND.

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Enclosure 19 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Government House, Auckland, February 16, 1865.

IF you want more cavalry there are twenty more mounted men of the Military Train who can be spared, and all the transport can be efficiently carried on.

The head quarters of the 14th can also be spared if you require them.

Very truly yours,
(Signed) G. GREY.

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Enclosure 20 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Government House, Auckland, February 21, 1865.

I ONLY write a few lines to say that I sail to morrow morning in the "Esk" by way of the North Cape to Whanganui. I delayed for the English mail to bring your letters down to you, but as the "Prince Alfred" sails this evening from Manukau, I think they will reach you sooner that way. I did not think she would have been repaired so soon.

I have no news of importance from England; nothing that you would care to hear. I have released old Tupaea on parole and have sent the other eight men to Wellington. I hope I shall be with you in four or five days. All remains quiet here.

Very truly yours,
(Signed) G. GREY.

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Enclosure 21 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp on the Patea River, February 23, 1865.

I AM very glad to hear that I am to see you here soon; for it is very necessary that I should consult you about future operations. It has been the cause of much inconvenience and unnecessary delay that neither yourself nor any Member of the Government have been here since operations commenced; for it was not to be expected that your first general instructions, framed as they were with little or no knowledge of the country, or of the difficulties it was likely I should have to contend with, would be sufficient for me to act upon under all circumstances without the necessity of further reference. Besides, questions are continually arising about Militia, Defence Force, Friendly Natives, Steamers, &c., &c., which I am obliged to refer, and which it is desirable should be decided as quickly as possible. I hope therefore to see you here the beginning of next week, as the summer is quickly passing away and time is precious.

Very truly yours,
(Signed) D. A. CAMERON.

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Enclosure 22 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp, Patea River, February 27, 1865.

THE "Prince Alfred" has just arrived bringing the English mail, and a note from you in which you say that you were to leave Auckland for Wanganui on the 22nd instant. You will therefore probably arrive at Wanganui to morrow or the day after. If inconvenient for you to come here, let me know by the "Gundagai" and I will meet you at Wanganui.

Very truly yours,
(Signed) D. A. CAMERON.

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Enclosure 23 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp on the Patea, March 4, 1865.

I SEND you a copy of a letter from Mr. Booth to Mr. Mantell, and a copy of one from me to Mr. Mantell. I presume that the matters to which they relate have already been reported to you. If there is any truth in the report that Teha is desirous of making peace with us, I should think that your presence in this part of the world would be desirable.

I also send you two telegrams I received from General Carey. I hope it is a false alarm.

Very truly yours,
(Signed) D. A. CAMERON.

Enclosure 24 in No. 12.

Sir D. CAMERON to Mr. MANTELL.

NEW
ZEALANDEncl. 24 in
No. 12.

MY DEAR SIR,

Camp on the Patea, March 4, 1865.

I HAVE received Mr. Booth's letter to you which you sent me through Mr. Strickland. It will be better that you should communicate with me upon matters connected with the public service direct, instead of through a private channel. I shall be glad to have your opinion as to what steps ought to be taken in consequence of the desire stated to have been expressed by Teha to make peace with us. I would recommend your coming to the Waitotara, where you can communicate with the Natives, and I would meet you there. Mr. Weld informs me that you have the full authority of the Government who I presume will be glad to bring the war here to a close, if possible without further hostilities.

In accordance with the Governor's last instructions, I was about to move all the troops at the Waitotara, except a post of 200 men, to this place, but under present circumstances I think it advisable to suspend the movement until I hear from you, which I hope to do by the return of the "Gundagai."

Believe me, very truly yours,
(Signed) D. A. CAMERON.

P S.—The officer commanding at the Waitotara reports that the white flag is still flying at the Wereroa Pa.

(Signed) D. A. C.

The Hon. W. Mantell,
&c. &c. &c.

Enclosure 25 in No. 12.

Sir D. CAMERON to Sir G. GREY.

Encl. 25 in
No. 12.

MY DEAR SIR GEORGE,

Camp on the Patea River, March 6, 1865.

I FEEL sure that you will think it quite useless for you to go to the Waitotara when you read the two letters (herewith enclosed) which the Natives at the Wereroa Pa sent me through Mr. Broughton, in reply to one I wrote them desiring those who wished for peace to sign their names to any proposals they had to make. I therefore proposed withdrawing Colonel Weare's force from the Waitotara, as I mentioned to you when you were here, tomorrow night, leaving a post of 200 men on the left bank of the Waitotara, and I will move forward with the force here on the following morning.

So far from interfering with my operations, the friendly Natives will materially facilitate them by attacking the Wereroa Pa, which Mr. Mantell affirms they will take in "a little more time than they will require to march thither." I am quite sure that we could not take it in that offhand manner, nor take it in any manner without considerable loss, that is supposing the Natives defend it in earnest, which there is no reason to doubt they will not do.

Very truly yours,
(Signed) D. A. CAMERON.

Te Wereroa Pa, February 31, 1865.

NOTICE.

To the German people and the men of importance living with you.

Friends, salutations to you, who have come from the King of Love to the world from Francis Joseph, King of Austria. Friends, I have heard from you that from Germany are some of the Europeans who are now condemning myself and my half Island. Friends, what wrong have I done you that you should come to annoy me and my half (portion) Island? I understood that by the English people only I was to be punished; truly if you had seen that we were a people possessed of the knowledge to manufacture things to cause death to men, it would have been correct for you to have banded together against me. But I am a poor man. A man possessed of nothing; a naked man. Are you not ashamed? Listen to me. You are not fighting against men but are angry with the Spirit causing goodness and peace (hai marire) Oh! my loving German people, the God of them is very earnestly disposed towards you and us. Rire. Rire. han.

From TELLA. Amen.
Chief Prophet of his word,
U. NAWHI.
German,
Rire. Rire. han!

To the Chiefs at Wereroa Pa.

I HAVE received a letter from you without signature, and therefore I cannot pay any attention to it. Moreover your meaning is very obscure, and I do not understand what you want. If any of you are desirous of peace, say so in plain language, and what terms you expect. You have read the Governor's last proclamation. Let those who wish for peace sign their names. You had better be quick.

This is all from me,
From CAMERON,
General.

NEW
ZEALAND.

To General CAMERON.

Te Weraroa, February 31, 1865.

FRIEND we have received your letter. We have seen it. This is our fixed word to you; you must go back peaceably. You and your soldiers to the other side of the Kai Iwi, there to watch the doing of that word the making peace, and to look out also for the ceasing of the evil. Whose is it? Do not say also the meaning of those words is obscure which you have received. If you are agreeable to these words, write to us; if you are not agreeable, write to us. Be quick. It turns.

From PEHIMONA TE TAHUIE,
 „ HARE TIPENE,
 „ TERITUE,
 „ APERAHAMA PAREA,
 „ TAATE TE WARIE,
 „ TAWHAMA TI KAOKAO,
 „ WIREMU TIAKE RAUTONGI,
 „ RIKARI WATONE,
 „ KIRIONA,
 „ TITO HAMATAMA,
 „ TAMATE ORAUKAMA.

From all the rununga of Ngarauru Ngatimorum, from Waikato, from the 1,000 men living at Te Weraroa.

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No. 12.

Enclosure 26 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Whanganui, March 6, 1865.

I CAME here to see the Natives with regard to Pehi and the other chiefs who surrendered to them as it now appears upon terms by which we are bound. I am sorry for this, but we must be content with the advantages we have obtained, which are very considerable.

I found here your letter telling me that the white flag is flying at Waitotara, I was consequently going on there this morning. I have since heard that you sent Mr. Broughton to ascertain what they wanted, and I do not now like to go to Waitotara until I have heard the result of his proceedings, which I can do from you by the return steamer this afternoon.

I am to see the Putiki Natives this morning and am to hear their version of the arrangement they concluded with Pehi, and Pehi himself will arrive here tomorrow, so that on Wednesday my business here will finish.

If the Waitotara Natives have any desire to treat with us, Mr. Broughton will soon ascertain it and I will in that case have every effort made to bring matters to a satisfactory conclusion, but I hardly hope that they are yet in such a frame of mind.

The Natives of this place and their friends, about 500 strong in all, wish to be allowed to attack the Weraroa Pa at Waitotara. Will their doing so interfere with your operations? if not, I will give them permission to do it. I am satisfied, if they enter upon this task, that they will not commit any acts of cruelty, but will proceed in entire conformity with the rules of civilized nations.

Clothing has been provided for the Militia here.

The "Sturt" has been ordered down to co-operate with you or rather to be under your orders.

The "Sandfly" is coming back to you.

I have no news of any interest to send you from this place.

Very truly yours,
(Signed) G. GREY.

Encl. 27 in
No. 12.

Enclosure 27 in No. 12.

Sir G. GREY to Lieut.-Gen. CAMERON.

MY DEAR GENERAL,

Whanganui, March 7th 1865.

I RECEIVED last night your letter about the Waitotera Natives. I quite agree with you that it would be useless for me now to go on to that place.

I feel rather anxious about the Natives who have been left in the Pa at Waitotera, and I purpose to hurry on the raising the force of irregular cavalry which you require, and some bushrangers, and also some friendly Natives, to keep the country clear between this place and the Waitotera.

To do this I shall have to request Mr. Jones for the present to make advances from the military chest for the pay and rations of these men.

There will be no difficulty with him, as it is only a temporary question.

The Local Government find it impossible to raise money here at this moment, and in defraying the expenses of the steamers required to keep open your communication they are doing all they can do.

They are also making arrangements for paying in England by this mail five hundred thousand pounds to the Treasury.

I will let you know by the next opportunity what has been done with regard to raising men. Pehi has not yet arrived here.

I send you the copy of a telegram I received from the north to the same effect as those which reached you from General Carey. I hope the news is not true.

Very truly yours,
(Signed) G. GREY.

Enclosure 28 in No. 12.

From Lieut.-Gen. CAMERON to Sir GEORGE GREY.

NEW
ZEALAND.Encl. 28 in
No. 12.

MY DEAR SIR GEORGE,

Camp on the Patea, N. Zealand, 8th March 1865.

WE are beset with difficulties of every kind in this country. The tides are now so low that two sailing vessels laden with commissariat stores are aground near the mouth of the Waitotara River and cannot get out until their cargoes are taken out of them, which the Gundagai is to do for them to-night, as Colonel Weare cannot leave the Waitotara until they have cleared out the river. He cannot march before to-morrow night, and I do not propose to advance until I know that he is moving this way. The post I leave at Waitotara is very strong and provisioned for a month, so that there will be no necessity to communicate with it by land for some time to come. In a case of emergency Colonel Logan could collect 600 regulars, who, with the militia, volunteers, and friendly Natives, would be sufficient to open the communication with the post if necessary. We shall always hear from the steamers how Major Locke and his detachment are getting on. It will, however, be a great advantage to have a safe communication by land at all times between Whanganui and the Waitotara, and for that reason I hope the Government will not be long in raising the bushrangers and cavalry, which they might have done more than a month ago, if any of them had thought proper to come to Whanganui at the commencement of our operations. What is the Minister of Defence about? I should think Von Tempsky and some of his men would gladly volunteer for service.

I do not think that with the force of regulars and militia you have at Whanganui there is much reason to feel anxious about the natives at the Wereroa Pah, whose numbers, I have very little doubt, will diminish as we advance. What is Mr. Mantell doing with his army, as he calls the friendly Natives? I almost expected to hear that he had led them himself against the pah, which, according to him, they would take in as short a time as they would require to march thither.

I wish he would send us some one who knows the country.

I hope hostilities will not break out on the Waikato frontier; but it is not unlikely that Rewi will take advantage of the withdrawal of so many troops from Auckland.

Very truly yours,

(Signed) D. A. CAMERON.

If you call upon us to pay and ration the bushrangers, &c., &c., I suppose we must comply.

(Signed) D. A. C.

Enclosure 29 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

Encl. 29 in
No. 12.

MY DEAR GENERAL,

Whanganui, 13th March 1865.

I HAD no news of any importance the other day-to send to you by the "Gundagai," I did not therefore trouble you with a letter.

Pehi has taken the oath of allegiance, and returns to a short distance up the river to-morrow. He sent back the party, said to consist of 200 men, which the Taupo chiefs and others had sent to his assistance. I feel quite satisfied that the settlement of Whanganui is now quite safe, and that your mind may be at rest on that point.

The Ministers tell me that you have a troop of 32 irregular cavalry now with you, which they will complete at once to 50 men, and that the captain appointed to this force, Capt. Percy, shall join you at once with the additional men he raises.

If you require more mounted men they shall be raised as rapidly as possible. One hundred bushrangers have been ordered here from Taranaki; if that place cannot furnish the number, it shall be completed by men from Waikato. This body of 100 men will be sent to Patea, unless you give orders to the contrary.

Fifty bushrangers are also to be raised at this place, they will be retained here to act in the country lying between Whanganui and Waitotara until you give further orders on the subject. Capt. Cameron's troop of volunteer cavalry will be brought up to a strength of 50 men for service in the Whanganui district.

Two hundred military settlers have been sent for from Taranaki to occupy Patea permanently, they will be at once sent on to Patea, which we will afterwards occupy with other settlers.

We had a dreadful gale of wind here on Friday, but the "Esk" rode it out at her anchors. I am sorry to hear that your tent suffered so much; you must have had a very unpleasant time of it, as I know from experience, for I was on the Whanganui River in the worst part of the gale, and got a thorough soaking.

I have thought it better to remain here for some time, so that I may be able to get any aid for you that it is in my power to procure, and to render myself useful in any way I can.

You are mistaken about my not liking a camp; many of my happiest days have been passed in a camp, and I never enjoy life more than when I am in one.

Very truly yours,

(Signed) G. GREY.

P.S. I see I have not answered that part of your letter which relates to the Wairoa Pa. Mr. Mantell tells me that when the Natives arrived at Whanganui elated with their victory over Pehi they were anxious at once to have proceeded against that place, but that he did not feel justified on his own responsibility in allowing them to do so; since that time many of them have dispersed, and although they have repeatedly pressed me on the point of their going there, I have thought it better for a little time to watch the course of events, and see what opportunities presented themselves and what your movements may be, and what results flowed from these.

(Signed) G. G.

NEW
ZEALAND.

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No. 12.

Enclosure 30 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Whanganui, 14th March 1865.

THE Gundagai has been delayed by bad weather, I therefore add a little to my letters of yesterday.

I send you the copy of a note from the Commodore which I have just received, informing me of the barbarous murder of a Mr. Volkner, a German missionary, as good, simple, and upright a man as I have ever known. Nothing could have been more noble than his death was; altogether it is a most shocking affair. I have no doubt that it was a political murder. It was an old native custom whenever they wished to draw you off from a war you were engaged in and to involve you with a new enemy, to go into his country and commit some most horrible murder, so as if possible to excite your passions and to induce you to abandon every other object in the hope of obtaining immediate revenge. The murder of poor Mr. Volkner is marked with all the characteristics of a murder of this kind, and I have no doubt it was committed with a view of inducing us to engage in immediate war with the east coast tribes and to withdraw from this place. I presume the "Esk" will be at once sent back from Wellington here, and in that case I shall lose no time in proceeding for a short period to Auckland, recommending Mr. Mantell to come here. It is quite impossible to say what steps I may think it necessary to take in consequence of Mr. Volkner's murder until I receive further information as to the number of natives who were engaged in it, but I will keep you fully informed upon the subject.

I am informed that by the end of this month the Government will have raised a troop of irregular cavalry of the strength of 64 men and officers. I hope this may prove an efficient and useful force. I am told that firing was heard near Patea yesterday, and there is a report that some fighting took place. I am looking out anxiously for the details, but the surf on the bar is so heavy to-day that I almost fear the Gundagai will not be able to get out until to-morrow.

Very truly yours,
(Signed) G. GREY.

Encl. 31 in
No. 12.

Enclosure 31 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Manutahi, 15 March 1865.

WE arrived here yesterday afternoon, and as the bush comes down to the road at this point a post is absolutely necessary for the safety of our communications before we can move further on.

Manutahi is rather a large settlement; we found it entirely deserted, but it had the appearance of having been recently occupied. There is a good deal of cultivation about it, which we shall consume or destroy before we leave it.

At some points where only small posts are necessary, blockhouses would save men; will the Colonial Government sanction the expense of their construction? If this country is to be occupied by military settlers, the sooner they are placed on the land the better; for its occupation by troops will put the Imperial Government to enormous expense. I have not heard from you for some time. I suppose that recent events will compel you to return to Auckland, and I should hope that the Ministers will now see the error which has been committed by the removal of the seat of Government to Wellington.

Very truly yours,
(Signed) D. A. CAMERON.

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No. 12.

Enclosure 32 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Whanganui, March 16th 1865.

I WAS very glad to hear from your letter of the 14th that you had given the Ngatiruanui a thrashing on the 13th, this is the first time that tribe has come in for any punishment; it will, I think, do them good. I have just received your letter of the 15th. Major Atkinson is here, so I daresay I can at once arrange about the blockhouses you require. It is possible that the Government may think that in the neighbourhood of bush where plenty of timber can be obtained a stockade will suffice; this is all we had in former times; they stood for several years and the Natives never ventured to attack them, we only kept small bodies of men in them; in my own opinion these would suffice. The Colonial Government would, if required, pay the expense of the working pay of the men. The "Ahuriri" is now here on her way to Taranaki to bring down 200 military settlers for the Patea; she will arrive there about the 20th. Fifty of these men are to be bushrangers, and 100 men will shortly be here from the Waikato. If you require more they will be sent for. The "Ahuriri" will reach the Patea to-night, and will wait off the Patea to-morrow to take your orders to Taranaki for these men being sent to the Patea. If more men are required at Taranaki we must call out the militia there, but I do not think there is any probability of this being necessary. I am just sending to Wellington for the "Esk" to go on to Auckland, but I shall still remain here for two or three days.

Very truly yours,
(Signed) G. GREY.

Enclosure 33 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

NEW
ZEALAND.

MY DEAR SIR GEORGE,

Camp, Manutahi, March 17, 1865.

SINCE I wrote to you the day before yesterday we have been fortunate enough to discover a line practicable for carts between Kakaramea and Manawapou, which does not pass through the place or near the bush, so that I hope no post will be necessary between Kakaramea and Manawapou. I rode to the latter place this morning, and I think we shall be able to land supplies there by surf boats in calm weather, which will save convoys. Cadell is to bring the "Sandfly" and surf boats off Manawapou to-morrow in order to ascertain this point.

The quantity of food here is surprisingly greater than we found at Rangiaohia. This is the third day we have been digging up potatoes and cutting maize, and we have not yet finished. It is very strange that I never heard of the existence of this settlement when I was at Whanganui. I send a detachment of 300 men to Manawapou to form a post and make a road for us to advance towards Wainati; that is if your instructions do not oblige me to move the whole force back to the Waitotara.

Very truly yours,
(Signed) D. A. CAMERON.

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No. 12.

Enclosure 34 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

Encl. 34 in
No. 12.

MY DEAR SIR GEORGE,

Camp, Manutahi, March 17, 1865.

A PASSAGE in one of your letters of the 13th instant (that relating to reinforcements from England) seems to me to be at variance with the views you expressed the morning you were at my head quarters on the Patea in respect to operations in this part of the country. On that occasion I explained to you why I had refrained from attacking the Wereroa Pa when I was at Nukumaru, namely, that the position was so formidable, and at the same time occupied in such strength by the rebels that I considered it could not be taken without serious loss to us, uncompensated by any corresponding loss on the side of the rebels, who could at any time escape into the bush with impunity. I stated that this was the reason why I had advanced to the Waitotara, afterwards to the Patea, and why I thought it necessary to consult you as to future operations. You expressed your approval of my proceedings, and requested that I should continue to advance and occupy the line of coast between the Patea and Taranaki, if possible, meeting Colonel Warre, who, you suggested, should advance towards me from Taranaki. I pointed out to you that Colonel Warre's force being barely sufficient to hold all the country it was then occupying, he could not move towards me, but I promised to advance myself towards Taranaki as far as the force at my disposal would permit. My recent movements have been regulated accordingly.

I now refer you to the fifth paragraph of your letter of the 13th, and I would observe that the country north of Wanganui to the Patea cannot be subdued without taking possession of the Wereroa Pa. Indeed, I believe that the capture of that position is all that is necessary to give us possession of the whole country between the Kaiwi and the Patea. The country is open and not likely to be defended. I wish therefore you would inform me whether you consider the immediate possession of the Waitotara block of such consequence that you wish me to attack the Wereroa Pa at once, notwithstanding the risk to which I have referred, or whether you wish me to continue my advance towards Taranaki. I need not tell you that both operations cannot be carried on at the same time. My first impulse on receiving your letter of the 13th instant was to move back at once to the Waitotara and make preparations for attacking the Wereroa Pa, but on reflection I thought it better to continue advancing until I heard from you, and I trust that you will let me know your wishes so clearly that I may be enabled to act without the embarrassment which I have constantly felt during the war from the want of definite instructions.

Very truly yours,
(Signed) D. A. CAMERON.

Enclosure 35 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

Encl. 35 in
No. 12.

MY DEAR SIR GEORGE,

Camp, Manutahi, March 17, 1865.

I HAVE received your letter of yesterday's date from which I learn that you consider small bodies of men in small stockades the best arrangement for a post. I should have thought it the best plan to leave these matters of detail to myself and the Commanding Royal Engineer. The number of men at a post depends upon the object for which that post is established. When the object is merely to command the ground in its immediate vicinity, as, for instance, a post at the mouth of a river for the protection of boats entering it, a few men are sufficient, but when a post has to furnish escorts to large convoys, &c., &c., the case is different. We shall probably require posts of each description; those of the first will be chiefly on the coast where no timber is to be procured; some of the second description may be necessary in the neighbourhood of bush; but even in that case I know from experience that it takes a long time to construct a stockade of any size, and during that time a strong detachment would be necessary to protect the men at work. Notwithstanding, therefore, what the Government may think, and what may have been done in former times, Colonel Mould and myself are of opinion that blockhouses, constructed of materials prepared before hand, or redoubts with huts in them, are to be preferred to stockades, particularly as it is desirable that the men should be under cover in the winter,

NEW
ZEALAND.

and it is to be regretted that no attention was paid to the suggestion I made to you several months ago in regard to the preparation of materials for blockhouses. I will instruct the officer commanding at New Plymouth to send the 200 military settlers to Wanganui, but you and the Government will be responsible for the safety of the settlement, and of the small posts occupying the country round it.

Very truly yours,
(Signed) D. A. CAMERON.

Enclosure 36 in No. 12.

Lieut.-General CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp Manutahi, March 18, 1865.

THE "Ahuriri" has gone to Taranaki without any instructions from me to the officer commanding at that station (Colonel Mulock) about the 200 military settlers. On receipt of your letter on the subject I caused a letter to be written immediately to Colonel Mulock, and forwarded by orderly to the camp on the Patea, but it had not reached when the "Ahuriri" arrived off the river. The "Ahuriri" signalled to ask whether there were any orders, and the officer commanding the camp at the Patea, not knowing that she was to wait for despatches from me, answered that there were none, and the steamer proceeded on her voyage to Taranaki. The master of the "Ahuriri" ought to have been told to wait for my despatches, instead of asking whether there were any orders for him.

I do not know whether you or Major Atkinson forwarded any instructions about the military settlers to the officer commanding the colonial forces by the "Ahuriri," but as it is doubtful whether Colonel Mulock will allow them to leave his command without orders from me, it is possible that the "Ahuriri" may have made her trip for nothing.

Very truly yours,
(Signed) D. A. CAMERON.

Enclosure 37 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Whanganui, March 21, 1865.

I AM very sorry that you should have thought that there was anything in my letter of the 16th which indicated any desire on my part to interfere in the detail of matters which it belonged to you and the commanding engineer to arrange the details of. I intended simply to make a suggestion, which I believe to have been a good and practical one, and still worthy of consideration, upon a matter in relation to which you were about to entail a very considerable charge upon the colony of which I am Governor. If you read my letter again I think you will see that such was the case, and that I kept myself strictly within the bounds of my duty in making the suggestion I did. I have seen quite as good huts in a stockade as I have ever seen in a redoubt,—indeed, I think even better. It is also a question in my belief rather of policy than of mere military operations, for the building of block-houses seems to infer the holding of a country against a hostile force in your vicinity by troops, a measure which I think the colony will not incur the expense of.

I have not any correspondence here to refer to, but I believe it would be found that the suggestion of preparing block-houses originated with the Colonial Government, and that it had reference to another plan of operations. There is, however, I believe plenty of timber prepared for this purpose, and if you will state the number of block-houses you think necessary, the proposed size of each, the quantities of timber you require, and the place where you wish each respective quantity to be landed, the timber which I am informed is ready for shipment shall at once be sent for.

You will I think see that until you furnished this information the Government could not do more than it has done. It appears now that it is to be regretted that this was not done at an earlier date.

The question can hereafter be decided under all the circumstances of the case whether the Home Government or the Colony is to bear the cost of the erection of these block-houses.

Very truly yours,
(Signed) G. GREY.

Enclosure 38 in No. 12.

Sir G. GREY to Sir D. CAMERON.

MY DEAR GENERAL,

Whanganui, March 22, 1865.

IN reply to your letter of the 17th instant, in part upon the subject of the embarrassment you have experienced from the want of definite instructions, I would state that my impression is that my letter under which you are now acting was, to meet your own wishes, purposely put in such general terms as left you a great latitude. I thought I had shown it to you before I sent it, and that you were satisfied with it, and raised no objection whatever. I understood from Mr. Weld that it embodied your own views as he had gathered them from one or more conversations, and I also thought that it accurately expressed the views I understood you to hold. I took great trouble with this matter, and only regret it if there should have been any mistake.

You now propose two questions to me; first, whether I consider the immediate possession of the Waitotara block of such consequence that I wish the Wereroa Pa should be attacked at once, notwithstanding the risks and consequences to which you have referred in your correspondence. Secondly, whether I wish that your advance should be continued towards Taranaki.

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No. 12.

In reply to the first question I would say that the idea of the question of the possession of the Waitotara block has never entered into my calculations.

What I desire to see is the subjection and punishment of tribes who have been guilty of great atrocities, and have instigated others to commit similar acts. Until they are put down and punished I am sure there can be no peace or safety in this island for Her Majesty's European subjects, or for loyal and well-disposed Natives.

Next, I would say, you have in your own correspondence answered the question whether or not I can wish you to attack the Wereroa Pa at once. However necessary I might think the capture of the pa to be, to prevent wrong impressions on the Native mind, or to attain the important objects which you have pointed out in your letter of the 17th instant would follow from the capture of that pa, it is quite impossible for me to request you to attack it at once when you have told me that you consider your force insufficient to attack so formidable a work, and that to enter upon this task you would require an available force of 2,000 men; that the Natives have rendered the pa so formidable a position, and have at the same time occupied it in such strength that it could not be taken without serious loss, uncompensated by any corresponding loss on the side of the rebels, who could at any time escape into the bush with impunity. The other alternative presented to me must, therefore, necessarily be the one that I choose, vizt., that you should continue your advance towards Taranaki so far as the means at your disposal will permit.

All I would ask is that when you find that you cannot get further than some particular point, that you would let me know where that is, that the Colonial Government may determine what it will then do.

Very truly yours,
(Signed) G. GREY.

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Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Whanganui, March 22, 1865.

I HAVE received your public letter regarding the prisoners taken by Colonel Greer's orders who I wished to be tried by court martial. I will consult the Attorney General on the point, under whose advice I acted and then at once write to you.

I propose to go back to Wellington today, to see what is to be done about the East Coast Natives.

The question assumes a simpler form. The Natives up the river say, not knowing that Father Garavel has returned home, that we put him to death in consequence of Mr. Volkner's having reported the fact, that Father Garavel brought to Opotiki a letter from Wm. Thompson calling upon the East Coast tribes to rise, and that they have punished Mr. Volkner in the same way for causing the death of their friend.

I was much shocked at the murder of poor Mr. Volkner, and I was also much shocked to find that Captain Lloyd's head had been carried to Pipiriki on this river and had been there subjected to all kinds of insults, and that the head of another soldier had recently been sent to the same place, and forwarded on to the East Coast to raise the people there, and was the indirect cause of Mr. Volkner's death. I found that the Pipiriki Natives were plotting against us, and that they were going to bring a war party to aid them from Rangititai, who were to come out on the Whanganui at Parekino. I had no time to communicate with you on this matter, so I moved up at once a party of fifty volunteers and some friendly Natives to Parekino to occupy that place; they will build a pa there. The Natives have sold us the land, and the Colonial Government are now raising military settlers to occupy it permanently. The friendly Natives will then move on and occupy Pukieki within ten miles of Pipiriki, build a pa there and permanently occupy it. This will give us complete command of all the lower river, and we can attack Pipiriki when we like.

Very truly yours,
(Signed) G. GREY.

Enclosure 40 in No. 12.

Encl. 40 in
No. 12.

Sir G. GREY to Sir D. A. CAMERON.

SIR,

Whanganui, March 22, 1865.

I HAVE the honour to enclose for your information the copy of a Memorandum I have received from my Responsible Advisers requesting that cash advances may be made from the Commissariat chest for the payment of the Whanganui militia upon a requisition from the paymaster, approved by the Minister for Colonial Defence.

The Colonial Government will be responsible for the monies thus advanced.

It is a matter of necessity that these advances should be made from the Commissariat chest at the present moment. The militia force about to be embodied here is necessary for the safety of a part of Her Majesty's possessions and to co-operate with the troops. The Civil Government finds it impossible to raise sufficient funds here at present either to pay or ration these men.

In defraying the expense of the steamers required to keep open your communications, they are doing all that you can do. The arrangement I now ask you to concur in will only be a temporary one and the Government has by the last mail remitted debentures to England for the purpose of repaying to the Treasury five hundred thousand pounds upon account of advances previously made.

I have, &c.,
(Signed) G. GREY.

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Enclosure 41 in No. 12.

Sir G. GREY to Lieut. Col. LOGAN 57th Regiment, commanding Whanganui District.

Encl. 41 in
No. 12.

SIR,

Whanganui March 22 1865.

I HAVE the honour to acquaint you that I find it is in our power by acting with promptitude to take possession of Parekino, a position on this river of considerable importance to us as closing the roads by which the disaffected portions of the Ngatiraukana tribe pass from Rangitikei to aid the rebels, or by which the rebels may pass to attack the Rangitikei district. As much depends on the promptitude with which this movement is carried out, I have the honour to request that you will allow the "Gundagai" to perform this service, which is of great importance and can be executed in two days.

I have &c.
(Signed) G. GREY.

Encl. 42 in
No. 12.

Enclosure 42 in No. 12.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp, Manutahi March, 24 1865.

WE are suffering serious inconvenience from detention of the "Gundagai" at Whanganui. It has been reported to me that you have employed her to take you up the river Whanganui. If this be true, I hope you will release her at once. She is on the pay of the Commissariat, is the only steamer that can enter the Patea, and it will be impossible for me to advance further up the coast or even to maintain the posts we now occupy unless she makes her trips regularly. If any accident were to happen to her we should be obliged to retire to the Waitotara.

Very truly yours,
(Signed) D. A. CAMERON.

P.S.—The sooner the "Sturt" is on the station the better.

(Signed) D. A. C.

Encl. 43 in
No. 12.

Enclosure 43 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Whanganui, March 27th, 1865.

I HAVE received your letter of the 24th of March regarding the detention of the "Gundagai," I do not know who could have made to you so improper a report as that I had employed the "Gundagai" to take me up the river Whanganui.

You will have found from my letter of the 22nd that the "Gundagai" was employed in taking up men to take possession of Parekino, a post of the utmost importance to us for the protection of this settlement as well as of the Rangitikei district. I have now one hundred and fifty men there, military settlers, and will push on another hundred men to day in the "Sandfly." The friendly Natives have also taken possession of and now occupy the pa of the fanatics at Ohoutahi, only ten miles distant from Pipiriki. Captain Spain is now making every preparation to supply you with surf boats, and I fear that if within the next two or three days we can take Pipiriki, I must once again detain the Gundagai for three days after her next trip to you. If there is any difficulty on account of her being in the pay of the Commissariat we must pay her expenses again from colonial funds, but Pipiriki is a point of such importance that if we can get possession of it I must not lose the chance. All the roads from the interior to the Wereroa Pa and Ngatiruanui country pass through that place; it is in fact the main key of the river Whanganui, and if we get it, we gain entire command of the river, and the people in the Wereroa Pa will be embarrassed by having their communication with the interior cut off. In getting Parekino we have got the second most important position on the Whanganui, and if we can get Pipiriki we shall be quite safe for the future in this river, and the Rangitikei district will be much safer than it has hitherto been.

The consequence of our taking possession of the pa at Ohoutahi has been that about twenty men of the leading fanatics of that part of the river have come in.

You mention the "Sturt." The Government state that the moment I notified to them your wish that the "Sturt" should be here, they had her repairs commenced, but that she was found to be in a bad state, so that her repairs would take some time in completing, but that these are being executed as rapidly as possible, and that directly they are finished she shall come here. Is not this miserable weather. I have not yet got the English mail.

Very truly yours,
(Signed) G. GREY.

Encl. 44 in
No. 12.

Enclosure 44 in No. 12.

Sir G. GREY to Lt.-Colonel LOGAN, 57th Regiment, commanding Whanganui District.

SIR,

Whanganui, March 27, 1865.

I HAVE the honour to inform you that it has been reported to me that the "Gundagai" cannot cross the bar this day, and that there is but little probability, if any, that she will be able to get out of the river tomorrow. Captain Spain, R. N., also informs me that he has chartered the "Ahuriri" and has made arrangements for supplying General Cameron by means of surf-boats which he believes will be sufficient and successful. There is now a flood in the Whanganui River which would probably enable the "Gundagai" to reach Pukieki or some point even higher up the river, and as it is a matter of the greatest importance that we should lose no time in occupying a post at that part of the river, I have

the honour to request that you will place the "Gundagai" at the disposal of the Colonial Government with as little delay as possible for the purpose of carrying military settlers and friendly Natives up the river.

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ZEALAND.

I have &c.,
(Signed) G. GREY.

Enclosure 45 in No. 12.

Encl. 45 in
No. 12.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp near Manawapou, March 30, 1865.

I HAVE received your letter of the 22nd inst. in answer to mine of the 17th. You have misunderstood me if you imagine that I intended to complain of a want of definiteness in the instructions you gave me before I left Auckland, which on the contrary are the only definite instructions I have received from you since the war began. But unfortunately they were drawn out without any knowledge of the nature of the country, the strength and position of the rebels, &c., and they were consequently liable to be found either inapplicable to the real state of affairs, or at all events much more difficult to carry out than could have been anticipated at the time they were framed. I beg to protest against being held in any manner responsible for those instructions. When Mr. Weld took office he came to me frequently with your sanction for information on various subjects, which I willingly gave him; but I distinctly told him that I would not be responsible for any measures that might be adopted, in regard to which I considered it your business to instruct me. I only requested if I was to be instructed to occupy territory its extent might either not be defined at all, or if defined might be as limited as possible, as I had only a small force at my disposal for such a purpose; and I confess that when you showed me your instructions it appeared to me that the amount of land you proposed to take from the Natives (the block between the Waitotara and the Patea) was moderate enough, though I felt by no means certain that my force would be sufficient to take possession of and occupy it, in addition to the Waitotara block. As to the idea of the instructions embodying my views, I was always of opinion that it was unadvisable for us to recommence hostilities, and remembering what you used to say when the last Ministers were in office, as to the inexpediency of entering upon any further aggressive operations, the necessity of consolidating what we had got, &c. I was astonished at your employing the troops in aggressive operations in this part of the country.

In regard to the Wereroa Pa you appeared perfectly satisfied when I saw you at the Patea with the reasons I gave you for not having attacked it, and for having moved on to the Patea, and you seemed very anxious that I should advance at once towards Taranaki. There was not a word from you then about "preventing wrong impressions in the Native mind," or about the important objects to be gained by the capture of the pa. As to preventing wrong impressions on the Native mind, I believe the Natives are far too shrewd to misunderstand our reasons for not attacking them in a position where all the advantages are on their side, and where they would have a good opportunity of inflicting loss upon us, at little or no risk to themselves. It certainly would not be carrying out your idea of punishing them. I have no doubt they would have been delighted if we had attacked their pa, and that they had been as much disappointed at our not doing so as you and Mr. Mantell have been. What is it to M. Mantell or to any other Colonial Minister how many British officers and soldiers we lose in any operation they recommend, so long as the policy they advocate is carried out? And I confess that this is a point which it appears to me has never sufficiently entered into your calculations, for I remember your wish that I should attack the pa at Paparata, and I have reason to believe that you were of opinion I ought to have attacked the pas at Mere Mere and Peterangi, and that you and the Colonial Government were as much disappointed on those occasions as you appear to be in respect to the Wereroa Pa. For my own part I have a grave responsibility in this matter, and having already lost a great many valuable officers and men in attacking pas, I think I may be excused if I am somewhat cautious in undertaking operations that description without the most absolute necessity. At all events I consider it my duty whenever you propose to me an operation which I think likely to be attended with serious loss to let you know my opinion and leave it to you to decide whether the political object to be gained is worth the cost. I have no doubt if Mr. Mantell, instead of talking of my swallowing up the pa quick, of the friendly Natives taking it in as short a time as they would take to march there, and such trash, will set to work in sober earnest and keep himself informed through the medium of friendly Natives of what is going on at the pa, that we should have an opportunity of taking it with little loss.

In regard to the last paragraph in your letter I would observe that it was not at all necessary because I did not attack the pa that I should advance and occupy the coast between the Patea and Taranaki. There was no such alternative in the case.

Very truly yours,
(Signed) D. A. CAMERON.

P. S.—I shall feel much obliged if you will acknowledge the receipt of this letter when it reaches you.

(Signed) D. A. C.

Enclosure 46 in No. 12.

Encl. 46 in
No. 12.

Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp near Manawapou, March 31, 1865.

It appears from your letter of the 21st on the subject of blockhouses, that it is doubtful whether this country will be held by the troops. Before taking any further steps, therefore, towards the construction of blockhouses, I shall feel obliged if you will inform me—

1st. How long the troops are likely to be required to occupy this country.

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ZEALAND

2d. What points on the coast they will be required to occupy, and with what object.

When I have this information I shall be able to judge whether it will be worth while building blockhouses, and at what points, and of what size they ought to be constructed.

I would recommend that you and some Member of the Government should take a look at the line we occupy, otherwise I think it will be difficult for you to form an opinion on such questions as that which I now refer to you.

Very truly yours,
(Signed) D. A. CAMERON.

Encl. 47 in
No. 12.

Enclosure 47 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Whanganui, March 31, 1865.

I SHOULD feel very much obliged to you if you would give orders as soon as you can for the advances from the Commissariat chest which I wrote to you about being made at this place, as we find it difficult to provide funds for paying the militia, &c., and it is a matter of great importance to us to pay them with regularity.

There are some large canoes on the beach about four miles beyond Manawapou at a place called I believe Taanga-hoe. We are very anxious to get these canoes for river transport, to supply the posts on this river, and I propose in four or five days to send some Natives up to bring them down here.

We have pushed on 200 Europeans to Koroniti, and to-day a large party of Natives have started from this place, who in conjunction with 150 of these Europeans will proceed to Pipiriki and occupy it. They will reach Pipiriki on Monday; it is about 80 miles up the river, and as I have already explained to you is the point from which all the Native roads of consequence branch off to Waitotara and the Rangitiki. It is also the place where poor Lloyd's head was taken and exhibited on a pole, and from whence the head of a soldier was recently sent to rouse the East Coast tribes to the atrocities which have resulted in Mr. Volkner's death. I think that the Waitotara people will feel very uncomfortable when they find that we are in possession of Pipiriki.

I am just about to start for Wellington, where I will remain until Monday, and then go on to the East Coast and Auckland, that I may see what is being done in regard to the murderers at Opotiki. Major Atkinson will remain here until Thursday next, if you want anything that he can do for you.

I am sorry that the orders given to the Master of the "Ahuriri" do not meet your views, but no difficulty took place about the military settlers coming from Taranaki, and I am satisfied that the place is quite safe. Colonel Warre, I understand from Major Atkinson, was quite prepared for these men being withdrawn from Taranaki.

I regret that the reasons I have given for not sending for reinforcements appear to you to be the strongest reasons why they should be applied for. I have again considered the question, and I am quite satisfied that the decision at which I have arrived is the correct one, and can only regret that we should take different views of the subject.

Mr. Volkner's murder has created a general feeling of indignation throughout the country, and will I believe lead many Natives to declare themselves on the side of Government.

I have not yet received any of my English letters, and therefore cannot send you any news.

Very truly yours,
(Signed) G. GREY.

Encl. 48 in
No. 12.

Enclosure 48 in No. 12.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp on the Waingongoro, April 9, 1865.

As the "Wanganui" goes direct from this to Auckland, where I presume you are at this time, I send by her a duplicate of a letter I wrote to you the day before yesterday about our operations here, and which as it went via Wanganui and Wellington may not reach you for some days to come. I have sent a copy of this letter to Lord de Grey, and also copies of the correspondence which lately took place between us on the subject of the Wereroa Pa and our movements along this coast, as it is essential that he should know everything that is going on here. I also send you a copy of a private letter I wrote to you on the eternal subject of blockhouses. Since it was written I have been informed by Colonel Mould that 8 per cent. must be added to the quantities in his estimate to allow for accidents.

We have reconnoitred this part of the country between Kututaura and Keteonatea, and, as I have mentioned in my Despatch, these and the other native settlements between them are either in the bush, or so close to it as to afford the inhabitants an immediate retreat. Indeed they have already abandoned them, and keep only a few scouts in them. We might have destroyed both the villages above mentioned, and some officers under my command are disappointed that I did not order them to be burned down; but as we should gain very little ourselves, and do very little harm to the Natives by destroying a few whares, whilst we might entail very unpleasant consequences on the out-settlers of Wanganui if the Natives thought proper to pay us back in our own coin as they did at Taranaki, I thought it better to leave the villages untouched. We merely cut down the Pai Marire flagstaff at Kututaura. The other village we did not enter.

Very truly yours,
(Signed) D. A. CAMERON.

Enclosure 49 in No. 12.

From Sir G. GREY to Lieut.-General CAMERON.

NEW
ZEALAND.Encl. 49 in
No. 12.

SIR, Government House, Auckland, April 17, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 7th instant, in which you inform me of the reasons which make you consider it unadvisable to reduce further your moveable column of about 800 men, or to occupy more posts along the coast between Taranaki and Whanganui, and request to be informed whether I intend the posts you have already established along the coast shall be occupied during the winter.

In reply I have the honour to state that I think it my duty to acquiesce in the decision which you have formed on this subject, and that it is my wish that the posts you have occupied should be held during the winter by the troops, or until the Colony can take them over, which my Responsible Advisers inform me it is making preparations to do.

The Colonial Government thinks it so necessary that we should place ourselves in a state of security against the Natives of Warea, who have brought such serious evils upon the country, and that generally the safety of the Province of Taranaki should be provided for, that some effort must now be made by the Colony itself to do this. When I have had an opportunity of conferring with my Responsible Advisers regarding your letter of the 7th instant, I will again communicate with you on this subject.

The Hon. Lieut.-Gen. Sir D. A. Cameron, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) G. GREY.

Enclosure 50 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

Encl. 50 in
No. 12.

SIR, Government House, Auckland, April 17, 1865.

IN reply to your letter of the 8th instant upon the subject of the timber required for the erection of blockhouses on the coast between Taranaki and Whanganui, I have the honour to state that I will request the Minister for Colonial Defence to give the necessary instructions for giving effect to your wish.

The Hon. Lieut.-Gen. Sir D. A. Cameron, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) G. GREY.

Enclosure 51 in No. 12.

Sir G. GREY to Sir D. CAMERON.

Encl. 51 in
No. 12.

SIR, Government House, Auckland, April 17, 1865.

I HAVE the honour to acknowledge the receipt of your private letter of the 30th of March, as also your letter of the 9th instant informing me that you had sent a copy of that letter to the Secretary of State for War.

I regret that you thought it your duty to write the letter of the 30th of March, which contains serious imputations against myself and my Responsible Advisers. I regret still more that you should have sent a copy of such a letter to the Secretary of State for War, unaccompanied by any reply from us.

You will I am sure feel that I cannot after this continue a private correspondence which subjects me to difficulties of this nature. I will, however, publicly reply to your letter of the 30th of March by the next opportunity.

The Hon. Lieut.-Gen. Sir D. A. Cameron, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) G. GREY.

Enclosure 52 in No. 12.

Sir D. CAMERON to Sir G. GREY.

Encl. 52 in
No. 12.

MY DEAR SIR GEORGE,

Camp on the Patea, April 21, 1865.

I CAME here in consequence of intelligence I received from Wanganui that the Chief Pehimana and his tribe were about to make their submission, and that the Wereroa pa would be evacuated. It is even reported that the 100 Waikatos have left the pa, and gone towards the Waingongoro, and that there are only about 40 Natives remaining in it. Mr. White appears very confident about the sincerity of Pehimana, and I am expecting every hour to hear of the evacuation of the pa, which I shall of course occupy immediately.

Meanwhile I have desired General Waddy to continue to reconnoitre the villages here, the bush between Manutahi and the Waingongoro, not only for the purpose of ascertaining their position, and whether they are still occupied, but also to engage the attention [of the Ngatiruanuis and Waikatos, and prevent them from again collecting in the Wereroa Pa, and perhaps inducing Pehimana and his people to change their mind.

All the villages we have reconnoitered have been abandoned on our approach, the few Natives left in them apparently as scouts retiring into the bush, and as I mentioned in one of my reports, the only thing to be done now, in my opinion, is to establish a line of posts along the edge of the bush to keep

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them in it, or drive them further into it, if it be desirable to carry on a guerilla war of that description. There are no crops now in the ground, and all the food is probably stored or concealed a good distance inside the bush, and all we should gain by attempting to follow them, would probably be a few broken heads.

Very truly yours,
(Signed) D. A. CAMERON.

The "Moa" arrived in the Patea yesterday afternoon, the first steamer since the 2nd of the month.
(Signed) D. A. C.

Encl. 53 in
No. 21.

Enclosure 53 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

SIR,

Head Quarters, Camp Patea, April 22, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 17th instant, in reply to my private letter of the 30th March.

I have &c.,
(Signed) D. A. CAMERON, Lieut.-General.

Encl. 54 in
No. 21.

Enclosure 54 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

SIR,

Government House, Auckland, April 26, 1865.

IT was with much regret that I learned from your letter of the 14th instant, that another surfboat had been upset near the mouth of the Waingongoro River, and that nine men had been recently drowned in landing supplies for the force under your command. On considering the correspondence relating to the proceedings of the force under your command I think it advisable, as you have suggested, that Te Namu should be occupied by a post of sufficient strength, and that Colonel Warre should be reinforced with a view to his being enabled to march to Te Namu, should such a movement be deemed necessary when the reinforcements reach Taranaki.

I have &c.
(Signed) G. GREY.

Encl. 55 in
No. 12.

Enclosure 55 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

SIR,

Government House, Auckland, April 26, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 22nd instant, in which in reference to a body of forest-rangers under the command of Major Von Tempsky, removed from the Upper Waikato for service in the Whanganui district under your orders, you inform me, firstly, that you have not received any intimation as to the service on which it is proposed they should be employed, nor whether they are to act under your orders.

2ndly. That General Carey considers the force on the Waikato frontier to have been unduly reduced, looking to the unsettled state of the Native tribes near that frontier.

3rdly. That you think that General Carey should always be consulted previously to any alteration in the strength or distribution of the force allotted to him for the defence of the frontier, as otherwise he cannot be held responsible for its safety.

In reply I beg to state as follows:—

I believe that the whole of the arrangement you allude to was carried out in conformity with your wish. I so understood your views in the interview we had on the Patea. And on the 8th of March, you wrote to me as follows:—

"It will, however, be a great advantage to have a safe communication with Whanganui and the Waitotara, and for that reason I hope the Government will not be long in raising the bushrangers and cavalry, which they might have done more than a month ago, if any of them had thought proper to come to Whanganui at the commencement of our operations. What is the Minister of Defence about? I should think that Von Tempsky and some of his men would gladly volunteer for service."

On the second and third points, I would observe that I do not think that General Carey's force has been unduly reduced looking to the necessities of the service elsewhere, and I would remind you that I am the person upon whom in the first instance the responsibility for the safety and welfare of the Colony rests, that I am in possession of all the information regarding the state of General Carey's particular district which he can possess, and of information regarding the state of other districts of the country concerning which he can know nothing. I cannot therefore, although I entertain the highest respect and esteem for General Carey's abilities, undertake always to consult him previously to making any alteration in the strength of the force allotted for the defence of his district, as I must in many instances be guided by considerations of which he knows nothing, and regarding which it might be either inconvenient, or the cause of a long delay, to communicate with him.

A consideration of these points will I am sure satisfy you that the power confided to me in these respects is a wise and necessary one, and that I ought to retain its exercise in my own hands.

I have, &c.
(Signed) G. GREY.

Enclosure 56 in No. 12.

Sir D. A. CAMERON to Sir G. GREY.

NEW
ZEALAND.Encl. 56 in
No. 12.

Sir,

Head Quarters, Auckland, May 1, 1865.

I HAVE the honour to inform your Excellency that I have left a sufficient number of troops to occupy the posts at Manawapou and the Waingongoro, agreeably to the request contained in your letter of the 17th ulto., and I have moved the remainder of Brigadier-General Waddy's column back to the Patea, whence I have come up to Auckland to receive such further instructions as you may think proper to give me, and to be at hand to furnish you with any information you may require.

With reference to the remark in your Excellency's letter that you felt it your duty to acquiesce in the decision I had formed, I would beg to observe that I had formed and could form no decision, it being my duty to regulate the operations of the troops under my command in accordance with the views and wishes of your Excellency, a knowledge of which it was the object of my letter of the 7th ulto. to obtain. I did no more than express my opinion on subjects which I submitted for your own consideration and decision.

I informed your Excellency in that and in a subsequent letter, how far I consider it practicable with the means at my disposal to carry out the plan you propose of occupying the line of coast between Taranaki and Whanganui by posts, for the purpose of establishing the land communication between the two places. I have only to add that about 400 men (instead of the whole of Brigadier-General Waddy's column, as stated in my letter of the 7th of April,) would under present circumstances be a sufficient moveable column to leave at the Patea, to support the posts between the Waitotara and the Waingongoro, and to keep open the communication between them. The remainder of General Waddy's column, amounting to rather more than the same number, might be detached for service at Taranaki, if necessary, as I mentioned in my letter of the 14th of April.

I also stated that if it is proposed to locate settlers in the open country between the sea coast and the bush, it will be necessary to establish a line of posts along the border of the bush for their protection, and I would add that such a line of posts would in my opinion be equally necessary, if, previous to the location of settlers, it be considered advisable to drive the hostile Natives from their present positions in the bush, and to compel them to abandon altogether the neighbourhood of the open country. For the force employed in an operation of this nature should be posted at favourable points in close proximity to the bush, where they would be ready to take advantage of any opportunity of surprising and harassing the enemy, and whence by a well arranged system of patrolling in small bodies (for small bodies only can act with advantage in the bush) to keep up such an apprehension of danger that he will at last fall back permanently into the interior.

I explained to your Excellency that I considered it inexpedient that the regular troops should occupy a greater number of the posts than they do at present, and I am further of opinion (as I mentioned to your Excellency some time since) that, armed and equipped as they are at present, they are not so well adapted for this peculiar kind of warfare, as companies of bushrangers, carefully selected and suitably armed and equipped for the service, and who to these advantages should have added the strong incentive of a direct interest in the land which they are posted to defend.

Bearing in mind, however, the large extent of territory already in our possession, without any population to occupy it, it appears to me, as I stated in my letter of the 7th ultimo, that unless there be some reasonable prospect of providing within an early period an adequate number of settlers for the occupation of the open country in these districts, no object would be gained commensurate with the labour, expense, and probable loss of life involved in undertaking a guerilla warfare of this description.

In regard to the Wereroa Pa, I could not collect a force sufficient to attack that position without abandoning some of the posts we now occupy, and the season is rather far advanced for an operation of that kind. It might be advisable, however, to add to the security of the settlement of Whanganui by constructing a post in the vicinity of Nukumaru.

I have thought it right to enter into these details in order that your Excellency may be fully informed of my opinion on the subjects to which they refer, and I need not say that I am ready to carry out whatever instructions you may think proper to give me regarding them, to the utmost of my ability.

I have, &c.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.(Signed) D. A. CAMERON,
Lieut.-General.

Enclosure 57 in No. 12.

Sir G. GREY to Sir D. A. CAMERON.

Encl. 57 in
No. 12.

Sir,

Government House, Auckland, May 1, 1865.

ADVERTING to your letter of the 9th ultimo, in which you inform me that you have transmitted copies of certain correspondence to the Secretary of State for War, I have the honour, in compliance with the regulations of the service, to transmit for your information copies of the covering despatches which will enclose copies of the same correspondence to the Secretary of States for the Colonies.

I have, &c.

The Honorable Sir D. A. Cameron, K.C.B.,
&c. &c. &c.

(Signed) G. GREY.

NEW
ZEALAND.

Enclosure 58 in No. 12.

From Sir GEORGE GREY to Lieut.-General CAMERON.

SIR,

Government House, Auckland, May 1, 1865.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, informing me of your arrival in Auckland for the purpose of receiving such further instructions as I may think it necessary to give, and to be at hand to furnish me with any information I may require

I will lose no time in consulting my Responsible Advisers on the questions you have raised, when I will again communicate with you. Our impression, however, was that the instructions already issued were sufficient, and I am aware that they participate with me in an earnest wish that the Colony should for the future carry on active operations from its own resources, as we believe that if it can only have such operations carried on by being at the same time subjected to such imputations as those contained in some of your recent letters, it would be for many reasons better that it should attempt to extricate itself from its difficulties by relying on its own resources, energies, and courage.

This is, however, a subject which requires the greatest consideration, and regarding which I will after due consideration again communicate with you.

The Hon. Lieut.-Gen. Sir D. A. Cameron, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 13.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B. to the Right Hon. EDWARD CARDWELL, M.P.

(No. 54.)

Government House, Auckland, April 27, 1865.

(Received July 17, 1865.)

(Answered No. 50, July 26, 1865, Page 217.)

SIR,

ADVERTING to the correspondence which Sir D. Cameron has transmitted to the Secretary of State for War, relating to the recent operations in the southern part of this Island, I have the honour to transmit copies of the letters noted in the margin in regard to the application the General has made for further reinforcements from England.

Sir D. Cameron to Sir G. Grey, January 5, 1865.

Sir D. Cameron to Sir G. Grey, January 30, 1865.

Sir G. Grey to Sir D. Cameron, February 6, 1865.

Sir D. Cameron to Sir G. Grey, February 11, 1865.

Sir G. Grey to Sir D. Cameron, February 16, 1865.

Sir D. Cameron to Sir G. Grey, February 17, 1865.

Sir D. Cameron to Sir G. Grey, March 8, 1865.

Sir D. Cameron to Sir G. Grey, March 12, 1865.

Sir G. Grey to Sir D. Cameron, March 13, 1865.

Sir D. Cameron to Sir G. Grey, March 14, 1865.

Sir D. Cameron to Sir G. Grey, March 15, 1865.

Sir D. Cameron to Sir G. Grey, April 3, 1865.

Sir G. Grey to Sir D. Cameron, April 24, 1865.

2. Upon the 30th of January 1865, Sir D. Cameron informed me that the then recent engagement with the rebels near Nukumar had shown that they had concentrated a large force, and were likely to offer the most determined resistance to his advance through a difficult country. On the whole the General recommended that I should apply by the first opportunity for a reinforcement of at least 2,000 men, and for a still larger reinforcement if, in addition to the occupation of the country between Whanganui and the Patea, the road between Taranaki and Whanganui was to be opened, and more land to be confiscated and occupied north of the Waitara, as the General understood to be the plan of the Colonial Government as approved by me.

3. With this recommendation I did not feel it my duty to comply. I thought that the idea that the rebels had, or indeed could concentrate a large force, and offer the most determined resistance to our advance through a difficult country, had originated in a momentary alarm, in which I ought not to participate.

4. That I was right in that conclusion in as far as the country between the Whanganui and Patea is concerned is shown by the General having reached the Patea without having even seen a Native after he left Nukumar. That I was equally right in as far as concerned the country beyond the Patea is shown by the fact of the General having p to the furthest point to which he advanced in that direction only encountered one party of rebels, variously estimated as from two hundred to one hundred and forty strong. I am further borne out in the accuracy of the conclusion at which I arrived regarding the country between the Patea and Taranaki by Colonel Warre, who commands at the latter place, and who has the best means of procuring information regarding the strength of the Natives, &c, and who knows the country well for nearly half the distance, having requested to be allowed to march from thence with a force of six hundred men to meet the General on the Patea river.

5. Again, on the 11th of February, Sir D. Cameron wrote to me from the Waitotara, informing me that there was no person of authority there to represent the Government, and he recommended that myself and some members of the Government should repair there as quickly as possible, to make ourselves acquainted with the state of affairs, and to judge whether my instructions could be carried out consistently with the safety of the settlement, or whether they were to be carried out at any risk.

6. On receiving this recommendation, I was satisfied that I was well acquainted with the state of affairs at Whanganui, of which country I had a perfect knowledge, and that to stop short in operations which I had advisedly determined should be undertaken, would probably raise at once a large portion of the Native population against us, and, instead of securing the safety of Whanganui, would imperil its position and that of other parts of New Zealand. I therefore contented myself by sending to the General the reinforcements of regular and colonial forces for which he asked, and adhered to my own views which I had deliberately formed, and I feel sure it will be admitted that the result has shown that I acted wisely and prudently in so doing. All my experience has shown me that nothing is more necessary in civil wars or rebellions than not to undertake anything all the consequences of which you have not previously well considered, but having once entered upon an operation to be prepared to encounter every risk in carrying it through.

7. Again, on the 8th of March, Sir D. Cameron wrote to me, strongly advising me to apply for a reinforcement of at least 2,000 men from England, as I might depend upon it that my plan of occupying the whole line of coast between the Patea and Taranaki could not for the reasons given by the General be carried out without these reinforcements. My letter to Sir D. Cameron of the 13th of March contains my reasons for not complying with this renewed application; those reasons were at the time quite satisfactory to my own mind; they are still so; in fact recent events have only confirmed me in them. It is due however to the General to say that the impression my arguments produced on his mind are stated as follows, in his answer to me of the 15th of March:—"All the reasons you mention for deciding not to apply for reinforcements are to my mind the strongest reasons why they should be applied for."

8. It will be for Her Majesty's Government, with the correspondence before them, to decide what should be done on this point. My own opinion is that reinforcements were not and are not necessary.

9. Upon the 1st of February the General had under his command in the Whanganui district a regular force of 2,956 men and officers in all, and at Taranaki of 1,541 men and officers, making a total regular force of 4,497 men and officers. I believe the number of men from the Waikato regiments employed at the same time in the transport corps was about 600 men, and that the number of military settlers at Taranaki available for service was about 800 men. Since the first of February, 80 irregular cavalry and 100 bushrangers have been raised for service in the same district, making a total European force of about 6,000 men. There are also the Taranaki and Whanganui militia, and a considerable number of friendly Natives who could be relied on.

10. The strength in which the rebel Natives have met us in the same district is shown in the correspondence which has been forwarded to you. The estimate of the resident Native inhabitants of the country between Whanganui and Taranaki is 1,500 in all, men, women, and children; and I am informed by Mr. J. White, the resident magistrate, on what he considers to be accurate information, that the number of men in the Wereroa Pa is now about two hundred and thirty-three.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure in No. 13.

Encl. in No. 13.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Auckland, January 5, 1865

NOT having yet heard how the question between you and the Ministers regarding the employment of troops at Taranaki and Whanganui has been settled, I hardly know what information to give the Authorities at home; but if the instructions I have already received from you on this subject remain unaltered, I suppose I shall not be wrong in stating to Lord de Grey that there is no prospect of an early reduction of the force, or of the military expenditure. Indeed if the extensive scheme of confiscation, road making, &c. &c. contemplated by Ministers (in which I do not know whether you concur or not) is to be carried out, I think we ought to apply at once for reinforcements.

Very truly yours,
(Signed) D. A. CAMERON.

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Sir D. CAMERON TO Sir G. GREY.

Sir,

Head Quarters, Whanganui, January 30, 1865.

I HAVE the honour to submit for your Excellency's consideration whether under present circumstances it is not advisable to apply at once for reinforcements from England.

Our last engagement with the rebels near Nukumarua has shown that they have concentrated a large force and are likely to offer the most determined resistance to our advance through this difficult country.

I fear that with the force at my disposal the operations are not likely to be of a decisive character, or to fulfil the objects for which your Excellency was desirous they should be undertaken in this part of the country. I need not point out the great encouragement which the rebels will derive from seeing our only remaining disposable force involved in operations which its strength is not sufficient to bring to a successful termination, and the temptation it holds out to them to attack one of our unprotected settlements.

I would therefore recommend that your Excellency should apply by the first opportunity for a reinforcement of at least 2,000 men, and for a still larger reinforcement if, in addition to the occupation of the country between Whanganui and the Patea, the road between Taranaki and Whanganui is to be opened, and more land to be confiscated and occupied north of the Waitara, which I understand to be the plan of the Colonial Government approved by your Excellency.

His Excellency Sir George Grey, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieutenant-General.

From Sir GEORGE GREY to Lieut.-General CAMERON.

MY DEAR GENERAL,

Auckland, February, 6, 1865.

I HAVE received your several letters from Whanganui up to the 3d inst. I was very glad to hear that the Natives got such a beating on the 25th of January, and I hope that their loss upon that day will have a good effect upon them. I am more sanguine upon the subject than you are, and I hope that the end of this war is nearer than you think. I will answer the questions you have raised.

With regard to your moving troops from Wellington and Taranaki, I think that the understanding should be that you remove the troops from place to place as you think necessary. You can with our present means of communication easily send them back again if you find they are more necessary at one point than at another, or if I wrote to you to ask you to do so, and it will leave you at full liberty to act as you think best for the public service when you know that you have this power; having said this I of course entirely concur in what you have already done. The Government arranged at once to raise a troop of 50 mounted men of the Colonial Defence Force, at Whanganui for you. The order will go by the next vessel; when that has been done, if you require a larger force, they will raise one to the extent of two troops of 80 men in the whole. A vessel of war will be stationed at Wellington for you. I am consulting the Government on the subject of placing Whanganui and the adjoining districts under martial law. Such a proclamation would now require the signature of a minister. If you continue to desire the thing, I have no doubt they will do it.

I am debating the question of applying to England for reinforcements. I still hope that we may do without them; everything looks quiet here. William Thompson has expressed a wish to meet me. The escaped prisoners are returning in large bodies to the Waikato from the north. Seventy of them have recently passed through this place, on their way home. The country here appears in a more peaceable state than it has done for some years. The North of New Zealand need therefore now cause you no anxiety. I will write you another letter tomorrow; in the mean time good bye to you; may all good fortune attend you.

Very truly yours,
(Signed) G. GREY.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp, Waitotara, February 11, 1865.

I AM sorry to say that what I so much apprehended has come to pass. Two persons have been murdered by the rebels, viz., Mr. Hewett, a settler who resided on the frontier near the Kai-iwi, and a soldier of the Wanganui Militia belonging to one of the posts recently established on the frontier. At the time I established the two posts which I mentioned to you in a former letter, I directed that the officer commanding the one at Rupuis should place a picquet at Mr. Hewett's house if he desired such protection, but unfortunately he declined it. The soldier of the Militia was out, contrary to orders, plundering a Maori settlement; Mr. Hewett's body was found without its head, which has been carried off by the rebels. These two occurrences have created a panic throughout the settlement, and I hear that many of the settlers have already come in. If they come in from the settlements south of the Wanganui we shall be in a terrible mess. I have sent a reinforcement of 150 men to Wanganui, and directed Col. Logan who commands there to establish another post between Rupuis and the river. I fear that I shall have to send more reinforcements, which will put a stop to my operations. I therefore recommend that the detachment of the 68th at Auckland, or the Head Quarters of the 14th if they can be spared, may be sent here as soon as possible, and that not a moment be lost in organizing the two troops of the Defence Force, which will be extremely useful. There is no person of any authority here to represent the Government. I recommend that yourself and some Member of the Government should repair here as quickly as possible to make yourselves acquainted with the state of affairs and to judge whether your instructions can be carried out consistently with the safety of the settlement, or whether they are to be carried out at any risk. I was glad to hear that a ship was to be stationed at Wellington; it would be very desirable that there should be one also in the Manukau, another steamer

of light draught will be wanted here in case of any accident happening to the "Gundagai." Mr. Cadell recommends the "Sturt" being put into a state of repair without loss of time. I have at last received my English letters, too late to answer by this mail.

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Very truly yours,
(Signed) D. A. CAMERON.

Sir G. GREY to Sir D. CAMERON.

Government House, Auckland,
February 16, 1865.

MY DEAR GENERAL,

I HAVE received your two letters of the 8th and 11th of February. I was very glad to hear that you had crossed the Waitotara without opposition, and I was much grieved at the account you sent me of the two murders which had been committed.

In compliance with your wishes the "Eclipse" proceeds to Wellington to be stationed there, she sails tomorrow or Saturday. She could not sail earlier as her boilers had to be repaired. I have also had orders issued that the detachment of the 68th quartered here should proceed to Whanganui; there was no vessel to take them, so they will go in the "Buck." They sail on Saturday, but will have to go round by the North Cape. Something has gone wrong with the buoys on the Manukau Bar, and the Commodore is afraid to risk a vessel of war there with troops on board until this has been looked to.

In further fulfilment of your wishes I shall embark also on Saturday to go to Whanganui, and the Commodore will I believe accompany me. I have applied to the Government for another small steamer in case of anything happening to the "Gundagai."

Captain Atkinson tells me that they are already raising one troop of the Colonial Defence Force, forty strong, for you; the other troops shall be raised as rapidly as possible. All continues quiet here for the present; the Natives are intently watching what takes place at Whanganui and Taranaki.

Very truly yours,
(Signed) G. GREY.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp, Patea, February 17, 1865.

I MARCHED from the Waitotara with General Waddy's force at 1 o'clock yesterday morning, and reached the left bank of the Patea at about 8 o'clock. We have not seen a Native since we left the Waitotara. The country in the neighbourhood of our camp is entirely deserted. Colonel Weare left Nukumarau at about 9 o'clock on the night of the 15th, and took up General Waddy's former camp on the Waitotara; we have no post now between this river and Kai Iwi, our communication with Wanganui being kept up entirely by sea. Both the "Gundagai" and the "Sandfly" entered the Patea safely yesterday under the most favourable circumstances, but as the latter had not more than a foot to spare at high water, it will not be prudent to bring her into the river again. The "Gundagai" can always pass the Bar in moderate weather, but it will not do to depend upon her alone for our supplies, and I trust that the Government have ordered another steamer to be prepared as quickly as possible, for as these operations are undertaken exclusively for colonial objects, they are bound to provide us with the means of communication. I also hope they are taking active measures to procure some of the 1,500 Military Settlers they intend to locate between Taranaki and Whanganui, as it is desirable they should take the place of the troops as soon as possible in the posts which I am obliged to establish for the occupation of the country. The land about here looks very poor, and is certainly not worth the enormous expense which its occupation by the troops will cost. I have not heard whether you intend to pay us a visit, but there are many points on which I wish to consult you.

Very truly yours,
(Signed) D. A. CAMERON

From Lieut.-General CAMERON to Sir GEORGE GREY.

MY DEAR SIR GEORGE,

Camp on the Patea, March 8, 1865.

I FORGOT to mention in my letter to you this morning that I would strongly advise your applying for a reinforcement of at least 2,000 men from England, for you may depend upon it, that your plan of occupying the whole line of coast between this and Taranaki cannot be carried on without them. I shall have about 1,500 men to start with; from this a reserve of 800 men for about every thirty miles occupied must be kept free to move anywhere, and the remainder will not go far to furnish the posts necessary to keep open the communication.

Colonel Warre, as mentioned when you were here, cannot advance at all from his end of the line. He already complains of the smallness of his force in proportion to the territory he has to occupy.

I would also observe, that if anything should occur in any part of the Colony rendering it necessary to send troops there, the reserve of 800 I have mentioned would have to be withdrawn, and the posts depending upon it for support abandoned.

Very truly yours,
(Signed) D. A. CAMERON.

Sir D. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp on the Patea river, March 12, 1865.

THE "Gundagai" arrived in the river this morning though without any letter from you, but I hear that you are still at Wanganui. I was anxious to hear whether you had considered it necessary

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to apply for the reinforcements I recommended, and what the friendly Natives are about. I expect to hear that their supposed desire to attack the Wereroa Pa was mere bounce, though you and Mr. Mantell seem to have believed in it; however, if our operations should have the effect of drawing the greater part of the garrison out of the pa, which I expect they will, the friendly Natives may have an opportunity of attacking it with some prospect of success.

Colonel Weare marched from the Waitotara on Thursday night, and was caught in a dreadful gale of wind with torrents of rain. The whole of his men and baggage had not crossed the Whenuahena before late on Friday afternoon; they had great difficulty in fording the river on account of the heavy surf breaking on the bar. The violence of the gale on these heights was such, that my marquee, all the marquees and tents of the general staff, except Dr. Mouatts', and a great many of the men's tents were blown down, and about 50 of the latter so much torn as to be unserviceable. It was of course impossible to move troops in such weather, but I hope to march tomorrow morning at 7 o'clock.

There is a report that we are likely to see you here again, but this I doubt, as from the flying nature of your visits you do not seem very fond of a camp.

Very truly yours,
(Signed) D. A. CAMERON.

Sir G. GREY to Sir D. A. CAMERON.

MY DEAR GENERAL,

Whanganui, March 13, 1865.

I AGAIN talked over with the Colonial Ministers your recommendation that I should apply to England for reinforcements of at least 2,000 men.

I found that it would be impossible for me to obtain their concurrence in such a recommendation, for various reasons which they stated at length.

They came to this conclusion entirely on their own convictions, and I came to the same decision for the following reasons.

I think it essential to the future peace of the country that the whole line of coast between this and Taranaki should be open to us, in fact occupied by us, and that friendly relations should exist between us and the Natives inhabiting that part of the country. The sooner these ends are gained the more speedily will peace be restored to all New Zealand. Believing this, I am naturally anxious to see these ends attained as soon as possible.

What remains to be done, however, after you have subdued the country north of Whanganui, even so far as Patea, is not, in my belief, more than the Colony ought to be able to accomplish in, say, two years from the present time, from its own resources.

If, therefore, the force you have is not sufficient to enable you to occupy the country which remains between the Patea and the point Colonel Warre can advance to, I think the Colony must be satisfied with what you can do with the resources at your disposal, and that, after all England has done for it, it ought not to call upon Great Britain to send further large reinforcements here. I really should feel most unwilling to make such a demand.

Everything that is now taking place leads me to the conclusion that the Natives will soon submit in nearly all parts of the Island, and, once they do submit, they return much more speedily to friendly relations with us than you would suppose. If I am right in this view, the war might be nearly terminated before further reinforcements could arrive.

Very truly yours,
(Signed) G. GREY.

Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp Ka Karamea, March 14, 1865.

I RECEIVED last night the news of the horrible murder of Mr. Volkner, and the capture of Mr. Grace and other Europeans by the Pai Marire fanatics at Opotiki. Should the latter succeed in stirring up the Natives of the East Coast, the consequences may be serious. I shall be glad to know whether you consider it necessary, in consequence of these events, to make any alteration in your plans regarding our operations in this part of the country.

We marched yesterday morning at seven o'clock from our camp at the Patea, and after proceeding a mile and a half we came upon a body of about 200 Natives, who had posted themselves in a commanding ridge across our line of advance. We immediately attacked them, drove them from their position, and pursued them for four or five miles. They retired leisurely, and we inflicted a considerable loss upon them. We picked up 18 dead bodies, and three wounded men, and took two prisoners. Besides these some were shot in trying to cross the river, and there are, no doubt, still many bodies about the fern and in the swamp which we had not time to find. Altogether they were tolerably well furnished. We march again this morning towards Manutahi and Manuawapou.

Very truly yours,
(Signed) D. A. CAMERON.

P.S.—We had only one man killed, and three severely wounded.

(Signed) D. A. C.

Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp Manutahi, March 15, 1865.

I HAVE just received three letters from you, two of the 13th and one of the 14th instant, and I wish to make a few remarks regarding their contents.

1. It will not be prudent to withdraw 100 bushrangers and 200 military settlers from Taranaki without the concurrence of Colonel Warre, who, I mentioned to you, has stated that the force under his command is barely sufficient to defend the country it now occupies.

2. I was very confident that the desire stated to have been entertained by the friendly Natives to be allowed to attack the Wereroa Pa was mere bounce, and I was astonished that you should have believed in it, that is to say, if you really did believe in it, and yet you would hardly have proposed that 500 Natives should attempt what I told you I would not undertake at that time with fewer than 2,000 soldiers, if you did not really believe that they would succeed.

3. All the reasons you mention for deciding not to apply for reinforcements are, to my mind, the strongest reasons why they should be applied for.

4. In my opinion what is now taking place does not afford the most distant prospect that the Natives will soon submit in nearly all parts of the Island. Their submission never appeared to me so far off as at present.

5. I do not agree with you that the Colony will be able to occupy the country between Patea and Taranaki in two years. Twenty would, in my opinion, be nearer the mark.

Very truly yours,
(Signed) D. A. CAMERON.

As to Mr. Mantell he appears to me an excitable person, entirely devoid of common sense, and I shall pay no attention whatever in future to his opinion.

(Signed) D. A. C.

Sir D. A. CAMERON to Sir G. GREY.

MY DEAR SIR GEORGE,

Camp on the Waingongoro, April 3, 1865.

I have answered your letter about the advances from the Commissariat Chest, and have given the necessary orders to Mr. Jones on the subject. I have also had instructions sent to Mr. Strickland, who is now at Whanganui, to advance whatever may be necessary at once. We found no canoes at the place named in your letter, but there are several here; some of which we have used for bridging purposes, and we also saw some at the mouth of the Mata near Waimate, these and those remaining here the Natives can have whenever they come for them. I hope your operations up the Whanganui with the friendly Natives and military settlers will have a good result. Pipiriki according to your account of its situation must be a point of some strategetic importance, but rather far for us to occupy, and I fear that we have too many irons in the fire. If the defenders of the Wereroa Pa belong, as I believe, chiefly to the Ngaraura and Ngatiruanui tribes, the closing of the communication with the Upper Whanganui will not have much effect as far as the Wereroa Pa is concerned. Major Rocke reports that he thinks there are very few Natives in the pa, which if I am right about the tribes, would be the natural consequence of our advance into this part of the country. It is very strange that with all our friendly Natives we can get so little information. If Pipiriki is to be occupied because poor Captain Lloyd's head was exhibited there, the same reason would exist for the occupation of almost every rebel settlement in the island.

After the letter I saw from Colonel Warre to Colonel Gamble, I am surprised to hear that the former was quite prepared for the withdrawal of the Military Settlers; but if you are satisfied that Taranaki is quite safe, all is right.

I expressed an opinion that if the occupation of the whole country between Taranaki and Wanganui (not merely of the coast line) is to be effected in any reasonable time, reinforcements would be necessary, but I am very far from thinking that the Imperial Government ought to encourage the scheme by sending reinforcements. I presume the Military Settlers at Pipiriki and Konwete are not supposed to be under my command.

Very truly yours,
(Signed) D. A. CAMERON.

Sir G. GREY to Sir D. CAMERON.

SIR,

Government House, Auckland, April 24, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 3rd instant, which I have only just received, and in which you raise the following objections to the occupation of Pipiriki:—

That it is rather far for us to occupy; that you fear that we have too many irons in the fire;

That the closing of the communication between the Ngatiruanui country and the Upper Whanganui will not have much effect in as far as the Wereroa Pa is concerned;

And that if Pipiriki is to be occupied because Captain Lloyd's head was exhibited there, the same reason would exist for the occupation of almost every rebel settlement in the island.

I have carefully considered these objections to the occupation of Pipiriki, but being unable to concur in them, I still think it my duty to adhere to the course I have in this instance taken. In reference to the last of these objections, I should state that looking to the importance of Pipiriki, the rank and influence of the chiefs under whose control it was, and the circumstances under which Captain Lloyd's head was exhibited there, and the head of a soldier was sent there, and forwarded from thence to the East Coast to bring about the murder of Europeans, I cannot see any analogy between the case of Pipiriki and almost all the other rebel settlements in the island.

In reference to your observation that you expressed an opinion that if the occupation of the whole country between Taranaki and Whanganui (not merely the coast line) is to be effected in any reasonable time, reinforcements would be necessary; but that you are very far from thinking that the Imperial Government ought to encourage the scheme of sending reinforcements, I would state that the recommendations from you I had to decide on were as follows:—

In your letter of the 30th of January you stated that the engagement with the rebels near Nukumaru had shown that they had concentrated a large force, and were likely to offer a most determined resistance to our advance through a difficult country, and you therefore recommended that I should apply by the first opportunity for a reinforcement of at least 2,000 men, and for a still

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larger reinforcement, if, in addition to the occupation of the country between Whanganui and the Patea, the road between Taranaki and Whanganui is to be opened, and more land to be confiscated and occupied north of the Waitara, which you understood to be the plan of the Colonial Government approved by me.

In your letter of the 11th of February, you recommend that myself and some Member of the Government should repair to Whanganui as quickly as possible, to make ourselves acquainted with the state of affairs, and to judge whether my instructions could be carried out consistently with the safety of the settlement, or whether they were to be carried out at any risk.

I then thought that to stop in an operation advisedly entered upon would have a most disastrous effect, and that my instructions could be carried out consistently with the safety of the settlement of Whanganui, and that reinforcements of at least 2,000 men to enable the country between that place and the Patea to be occupied, and still larger reinforcements in the event of the other contingencies to which you have alluded, were unnecessary, and I still think that my opinion was a correct and judicious one.

The Hon. Lieut Gen. Sir D. Cameron, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 14.

No. 14.

Copy of a DESPATCH from Governor Sir GEORGE GREY, K.C.B. to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 55.)

Government House, Auckland, April 27th, 1865.

(Received July 17th, 1865.)

SIR,

(Answered, No. 50, 26th July, 1865, page 217.)

I HAVE the honour to transmit for your information a copy of the Reverend Mr. Grace's journal of his imprisonment at Opotiki, when Mr. Volkner was murdered; I am sure you will peruse this journal with great interest.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. in No. 14.

Enclosure in No. 14.

MR. GRACE'S IMPRISONMENT AT OPOTIKI.

BEFORE leaving Auckland for Opotiki, and on the passage, Mr. Volkner frequently expressed his confidence in the Opotiki natives.

He was rather sorry that Mrs. Volkner was not with him, and fully intended her to follow by the next trip of the vessel.

We arrived off the Opotiki river at about 9½ p.m.

A prophecy, as we afterwards learned, had been put forth that a vessel full of goods would come up the river, and be followed by one of gunpowder.

March 1st.—Immediately on crossing the bar, I observed at a distance a very large body of natives assembled on the side of the river. I pointed them out to Mr. Volkner; in sailing a little further it was evident there was considerable excitement. As we approached the landing place, it was clear to me that we were amongst the Pai Marire fanatics.

Mr. Levy's brother now in a low voice warned us from the bank to be careful as there was danger.

From the time of crossing the bar return was out of the question; all we could do was to go on to the landing place, and before the anchor was dropped, the vessel and all on board were in possession of the natives. Mr. S. Levy had not been allowed to come down the river to give us any warning. We were told by several not to go on shore. After a while a tall native, belonging to Taranaki, called Rapata, came on board, and in an authoritative manner, after every thing had been examined, stood up and called out to the people on shore of what the cargo consisted.

We remained on board about 3 p.m., during which time there was great excitement on shore.

Tiwai told us that we had come into the "Lion's mouth." We also learned that Mr. Volkner's house had been plundered, and that the European's stores had been examined, and a price fixed by the natives at which the goods were to be sold.

We were now all ordered on shore; this indeed appeared a dangerous moment. On landing one old fellow made a rush on Mr. Volkner with a rope in his hand, but was pushed on one side. We all marched off, except the captain, to beside the Roman Catholic chapel. There we remained standing for about two hours, the natives the meantime were holding a meeting, while the women employed themselves in dancing around us and making the most horrid faces and gestures. The greatest excitement in the meantime was going on in the Catholic chapel, the people dancing and shouting. At length the same Taranaki native before mentioned, with others, came to us, and after some talk with him about a house to rest, he had us all taken to one in an enclosure about 300 yards from where we were standing. It was a miserable dirty place; we could do nothing but make the best of it. The next thing was to procure some food and our blankets for sleeping. We now learned that the vessel had been rifled, and every thing removed from her by the natives; that the things had been all bundled into the store, and that natives had the key.

At this time there were plenty to watch us, but we were not under guard. The sailors had been to the store, and had procured a few of their things, but they returned without finding any of ours. It was now nearly dark, Mr. Volkner and myself, with the sailors, returned to the store, and found as had been said that the outer door was locked, and the key taken away. We went into the adjoining room. Mr. S. Levy was there; we procured a candle; there was a small door out of this room into the store, and after a good deal of searching, we succeeded in finding all our things, and had them conveyed to the house where we were to stay.

After partaking of our evening meal in a very rough way, we read the 7th Psalm, the one appointed for this evening, and had prayers.

The poor sailors joined us very heartily. After this when we retired to rest, these goodnatured fellows gave us the best end of the little room. We did all we could to comfort one another. We lay down to rest, but not to sleep. Again and again did Mr. Volkner and myself congratulate each other on being together. During the night we went out once or twice; we were not locked in, nor was there any guard about the house. Had preparations been made, escape would have been easy.

Until after midnight, we could hear the greatest commotion and shouting going on in the Roman Catholic chapel.

March 2d.—Great excitement going on outside. We had prayers together, and read the 9th Psalm. Heard they were taking Mr. Levy's things out of the store which had been put in the evening before.

We began to think that money would satisfy them, and agreed to go and speak to Captain Levy. Our idea was to add something to what the natives had already taken, and propose it as a ransom for us all. Mr. Volkner spoke, and said, "We ought not to consider money if we could save life." The Captain declined to have any thing to do with us in the matter.

We went away dejected, when poor dear Volkner said, "We must trust in God;" we returned to our prison house, and had prayers altogether again. We read the 10th Psalm. After this the tall Taranaki native, Rapata, and another (a prophet) came to see us. Just now some grapes were brought to us. Henare brought also a quantity of bacon and other things belonging to Mr. Volkner, and a kete of potatoes.

While eating the grapes with them a long conversation took place, but to no purpose. At the end one of them said to Mr. V. in broken English, "I see you are frightened" (at this time they evidently knew what was to take place). On leaving they begged two white shirts, and told us we shall soon be at liberty. My dear friend gave them a shirt, but I declined. They told us that the meeting for which we had been waiting would take place in a short time; we quite believed that Patara had returned.

After these men had left, another native named Hermita (apparently known to Mr. Volkner) came and asked us to give him all our things to take care of. He took them and put them into a box and departed. It was now about 1 o'clock, when we had prayer and reading for the last time. The portion read was the 14th Psalm. My poor dear friend offered a most earnest prayer. During the morning I could not help noticing the calmness of his manners and the beautiful smile that was on his face. We thought things looked hopeful. Mr. Volkner's last act for his people was one of kindness. He was often the medium of communication to take down the half yearly amount of a legacy to a native woman the relict of a respectable European.

About half an hour before he was taken I saw him pay over the money apparently with great satisfaction. This widow must have known what was going to happen, but she did not name it.

About 2 p.m., a number of armed men (perhaps twenty) came, and after going through some ceremonies in front of the house called to Mr. Volkner, as we supposed, to go to the meeting. I pressed again and again to go with him, stating the meeting was for us both, but to no purpose. I was forced back and told that my turn would come next. They now locked the door, and left eight armed men to keep guard; again I pressed to go to the meeting, but was refused, telling me I was to follow next. Two long hours of most painful suspense for us all passed away, but there was no return of Mr. Volkner. I listened during these long hours to hear the report of fire arms, but having heard none I was not without hope that all was right. I now saw Heremita return, who had led the party away, and sitting down some eight or ten yards from the house he commenced telling the men left to guard us something to which they listened very attentively. I caught the words "Kua whaka tarewarewa ki runga ke te whiro," Hung on the willow tree. These words went to my heart. I called upon the Lord. It did not necessarily follow that my friend was hung on the willow. I named it to the poor sailors, and they thought all was over. Shortly, in a state of great excitement, all the armed men returned. I was first called out, then the sailors. They marched us off, they being in single file on each side of us. When we reached the open space in front of the church there was great confusion and excitement, and cries of "Where are the others?" some saying they had escaped to the bush. Then there was confusion again as to where we were to be taken. All this time I was earnest in my inquiries for Mr. Volkner, but could get no satisfaction. We were now led to another house occupied by Mr. Hooper, a settler, outside of which we were all robbed of everything our pockets contained. I begged of them to leave me my little prayer book, but they refused. We were then led inside, and had our hands tied behind us. At this time on inquiry I was told that Mr. Volkner had been taken to another house. Shortly, the captain, his brother, and Mr. Agassiz were brought in and tied in the same manner as all the rest. All parties now seemed to think their end was come; I confess I did not. My mind halted between the feeling that this was a piece of mischief on the part of the natives, to give them an opportunity of robbing and frightening us, or that still it might be a fearful reality. Had I known of the murder of Mr. Volkner, I should doubtless have thought differently. We were kept tied in this manner for about an hour and a half, during which time some one wishing for water, a native, carrying a pannikin from one mouth to another, served us with some. Next came in a native, and to our great surprise loosed us.

I began to think that this part of the business was sham. I asked what it all meant, he answered me "A time to bind and a time to loose, a time to kill and a time to make alive." I have now no doubt it was intended to give them an opportunity of robbing our persons and to teach us that we were prisoners. Poor Mr. Hooper is a sick man; he was lying on a bed at the time in this house. The house was plundered. I saw a native come in and take all the bed clothes from Mr. Hooper, almost

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rolling him on the ground. I remonstrated with him, and the cruel fellow, as he was leaving with the blankets in his hands, came up to me and said (somewhat ashamed) it was because the Pakeha had been very (pakehe) "hard" about a debt, and went off with his things. After this upon inquiring about the house in which I had been told Mr. Volkner was, one of the Europeans said to me in a quiet way, "Ask no more for him, you will not see him again." This was the first certain information I had of his death, my worst fears were realized, and my heart was sad indeed. Of course from what they told me when they took him off I fully expected to follow.

We were now given to understand that we were to sleep in this house, but the three last who were tied were allowed to go elsewhere. The sailors now began to look after some food, of which they stood much in need. Henry, the teacher in charge of Mr. Volkner's house, had in the morning brought us a quantity of very fat bacon; this, with some potatoes from the natives, and tea, sugar, and biscuit from the store, supplied our wants. There were in this small house, which consisted of one small room about 18 feet by 12, first the sick man, four sailors, myself, and six or eight natives, men women, and children.

The suffocation at night from so many people and the fumes of tobacco were almost overpowering. Soon after dark we lay down on the floor. The sailors had by some means got their blankets from the prison house we had left a few hours before, but mine had been taken by Heremita. I lay down next to one of the sailors, John Moore; they had managed to spare a blanket for me, and this goodnatured fellow made a pillow for me with his coat. I could not sleep. There was too much moving about to have evening prayer, and I could only in private commend myself and companions to the watchful care of our heavenly Father. I had every reason to believe that this would be my last night on earth. Gods gracious presence did not forsake me. As I lay awake I could distinctly hear the confusion, dancing, and shouting going on in the Romish Chapel, and also in the Church. Thus ended this terrible day upon which the first blood was shed in New Zealand for the Gospel's sake.

The Murder.

I am thankful to say I did not witness the death of dear Mr. Volkner; I can, therefore, only give the substance of what I heard on the spot. When he was led away from me we both supposed it was to a meeting. He was first marched to near the church, where it appears that his coat and waistcoat were taken from him. He was then taken about 200 yards in another direction to beneath a willow tree. If not before, he was now doubtless convinced of their intention. He asked them to let him have his prayer book, which was left in his coat pocket: they brought it. He then knelt down and prayed, arose and shook hands with his murderers, and said I am ready. While they continued shaking hands with him, he was hoisted up. I have heard two reports as to the time he struggled. Dr. Agassiz thought not longer than a quarter of hour; others said an hour or more, and that when taken down there were still signs of life. I hope the latter opinion is incorrect, though there can be no doubt he was allowed to hang for upwards of an hour. I also heard that they shot him while hanging.

When taken down he was carried to near the church beside a small house belonging to the station. Here he was laid down and the head taken off with a considerable portion of the breast.

Heremita, the man who came to us a little before Mr. Volkner was led off, and who took all our things under pretence of taking care of them, and who afterwards was the leader of those who carried him off, was the person who cut off his head.

The scene when this was done appears to have been most dreadful.

They were eager to taste his blood, and many rubbed it on their faces, and some of his old friends took part in all this. From my own observance the people appeared to me for the most part to be half lunatics, and so worked up by their new religion as to be ready for any work of the devil.

In cleaning the head pieces of the flesh were thrown about with the bones of the neck. Kereopa forced out the eyes and swallowed them, and afterwards desired the body to be given to the dogs. Some one also wished it buried. It was at length thrown into what appeared to be a dry unused water-closet and very lightly covered with earth.

It is a significant fact that Pokeno the son of Apoeotenga the Opotiki chief murdered by Tohe's wife in the fight at near Matata was the individual who put the rope round Mr. Volkner's neck.

March 3d.—This was a dreadful day of bitter suspense, the excitement great.

I now learned that Patara had not returned. I was under the impression that Mr. Volkner had not only been killed but eaten. It was not, therefore, too much to suppose that I should be taken off and served in the same way, having been told "that my turn was to come next." At an early hour I the noise of their horrid worship. I saw their ovens lighted, but all passed over without their interfering with me. At this time I learned some particulars relative to the murder, and supposed in the course of the day that I should be marched off. In the forenoon Deborah, the wife of an old native teacher, came to me to inquire what things Mr. Volkner had brought down with him in the vessel. I told her I knew of nothing but a dozen bottles of wine for the sick, which had been given him, and some medicine.

In the most scornful manner possible she said, in bad English, "It is all gammon." After this I understood they were holding a meeting.

I thought it well to send a proposition to them by a native. I proposed the sum of 500*l*. as a ransom. To my great comfort I found this morning in the house amongst some books of Mr. Hooper's a small prayer book, which with his kind permission I made use of. I afterwards found it had poor dear Volkner's name in it. Some of the Psalms for the day appeared written for the occasion. About noon I had an interview with the captain, when for the first time he told me that his loss was occasioned by us.

He was exceedingly urgent for me to give him a document to that effect. I declined doing so, on the ground that I was not aware we had occasioned his loss, and that the present was not the time to investigate such matters.

I expected every hour to be taken off to die. I was much cast down at this request, it made an impression on me I cannot forget.

The day had passed, Patara had not returned. Not having slept since our arrival, I was quite exhausted, and this night I slept soundly.

4th.—Another day of suspense; another request from the captain for a document. This repetition destroyed my confidence. He was angry that I had proposed a ransom of 500*l.*, said he should now have to ransom his men.

Mr. Volkner, who knew Patara, had spoken of him as a bad native, so that I had little to hope for on his return. Having spoken about the body of Mr. Volkner being properly buried, Capt. Levy assured me to day that he had supplied clean coverings for the body, and had had it decently interred. This turned out afterwards quite false. During the day I had heard it said that I was to be sent to Taranaki. In the evening it was reported Patara had returned.

5th.—Heard the meeting was to take place in the forenoon. I sent a request to see Patara. He passed Mr. Hooper's house, where I was, and shook hands with me. The few words I had with him made me feel hopeful. About an hour after we were summoned to the meeting. What kind of trial and what sort of charges were to be brought against me I knew not. On my way the feeling of conscious helplessness flashed across my mind, followed by the words of our Lord, Matt. x. 19, "But when they deliver you up take no thought, &c." We assembled in the new church, to the building of which our friend had devoted so much labour and care. Chairs from Mr. Volkner's house were brought for all the Europeans. Besides the Taranaki fanatics, who took their seats within the communion rails, there were perhaps a little over 300 natives of the place present.

The Trial.

Patara sat outside in front about three yards from the communion rails. He commenced with expressions of anger against all soldiers, ministers, and Englishmen, but for all Jews, Frenchmen, Scotchmen, Austrians, and Germans he had love.

Mr. Volkner's Case.

The charges were brought against him by different natives to justify his death.

1st, His going to Auckland as a spy for the Government.

2nd, A cross had been found in his house, and therefore he was a Romanist and a deceiver.

3rd, He returned to Opotiki after having been told to remain away.

The witness to the first charge was named Timothy, formerly a native teacher. He said that Karawera ("Father Galavel") I conclude he meant, had told them that they would all be mate (dead), through Mr. Volkner, going to and fro to Auckland to take "korero" (talk) to the Governor.

2nd. Charge respecting the cross broke down.

3rd. Several witnesses spoke to this who had told Mr. Volkner not to return. I was able from their own remarks to show that no committee had been held to tell him to stay away, but only a few separate individuals had told him to do so. Patara very cleverly, in winding up, tried to make it appear that he should have stayed away because he knew we were at war, but he did not say that he justified the murder. I think he regretted it.

My own Case.

Patara.—What did you come here for?—To go to Whakatane and Matata at the request of the people themselves. What did you go to Taupo lately for?—To fulfil my promise, and in answer to several letters sent to Auckland asking me to go. Why did not the Governor let them have clothing?—Because we were at war. Why did we teach them things for the soul only and not for the body?—Because of the great value of the soul; but we have taught you many things for the body. Gave instances, and referred to Matt. vi. 33. Why did you not teach this new religion we have found out?—Because we did not know it; our religion is the word of God. Patara said we had taught them to repent, to be baptized, to receive the Lord's supper, and not to commit adultery, but now they had found that this was all "mamingi," a deceit.

Then followed a long discussion on the land question. All the arguments in common use amongst natives were brought forth. All these I answered by saying that neither Mr. Volkner nor myself had any land. Turning to the other Europeans, he had the Jews pointed out to distinguish them from the the English sailors. One of them (by the way) had the good fortune of being supposed to be a Scotchman.

Addressing Mr. Levy, Patara said, Are you a Jew?—Yes. I your brother, I am a Jew. What did you come for?—To bring down trade. Are you willing to come here to live?—Yes. Will you leave your brother here?—Consented. Have you a wife?—Yes. You come here and live; you shall have a piece of land; no one shall hurt you. Wished him to bring down his wife and family. Are you offended at their taking your things?—Why should I when I gave them?

A young man from Taranaki, a native, a prophet whom they called "Doctor," acted as interpreter for the Levys; it was done in bad English.

Turning to Mr. S. Levy. Patara: Are you his brother?—Yes. Will you stay here or go with me to Turanga?—Stay here. Mr. S. Levy sat next to me; I cautioned him, and said, If you do not take care you will be a hostage for your brother's return. He replied, We know what we are doing.

Concluded:—That Mr. S. Levy was to remain at Opotiki, and that the Captain was to continue to bring trade.

Turning again to myself, he said, You must go with me to Turanga. I objected that I could not travel on native food, &c. Several spoke up and said I was very strong to walk; named my formerly travelling on the East Coast, and latterly in Taupo. I told them I was not so strong now, and had not travelled on native food.

Proposed to them again either to take a ransom for me in money, or to make an exchange of prisoners. After some discussion, they agreed to take Hori Tupaea. Patara proposed to write a letter to Tauranga for Hori to be liberated, which the Captain volunteered to take, and bring back Hori or a letter from him, and one from Mr. Clarke the magistrate on the part of the Government, to say he was at liberty. This done, I should be free. Here the meeting ended. I spoke to Patara, who said he

would see me again. At night he sent me word I might write to my wife, but he must first see the letter. The trial ended thus. Nothing was decided about the murder of Mr. Volkner.

I was a prisoner until Hori Tupaea should be brought to Opotiki, or known for certain to be at liberty.

Mr. S. Levy was a hostage for his brother to continue trading. It was understood that the vessel should be given up, and another meeting was to be held to arrange about payment for what had been taken from Captain Levy.

Feeling more at liberty after the trial I changed my abode to Tiwai's house.

6th.—I saw Patara early this morning, and told him that Hori Tupaea was really at liberty. He said they were going to have a meeting that day at Opotiki (inland 8 miles) before they started for Turanga, and wished me to go to it; he also told me I was at liberty to go about, that they were not like the Pakeha who shut up their prisoners; he charged the people to see I had plenty of food.

Saw Patara again at about 10 a.m., when they were starting inland; he spoke kindly. I declined going inland, but pressed to be set at liberty. He said he would agree to it if the others would; and that if the meeting consented he would himself return in the evening to tell me; and if not, send the letter about Hori Tupaea.

I questioned him about Bishop Williams, he said he would go to him himself, and send him quietly away. I then advised him to keep close to his people and not to leave them again, as I felt sure if he had been here Mr. Volkner would not have been killed.

Saw the prisoner John Brown, a soldier, and sent messages by him to Bishop Williams. I did not dare to write. I learned much from this prisoner about the Taupo station, which had been plundered by this party on their way from Taranaki to this place. I also now learned that had I been caught in Taupo, when I was there in January, I should have been killed.

The vessel was given up; the sailors returned to her to-day, and began to pump her out and set things to rights. Mr. Agassiz kindly cut his pencil in two and gave me one half. Tiwai also gave me a little note paper to write to Mrs. Grace. I was now able to make notes. Had before this applied to the captain and his brother for a little note paper, knowing they had plenty, but had been refused.

Fortunately, a monthly number of the Evangelical Alliance, which I had put in my pocket on leaving Auckland, had by some means escaped the general plunder. The fly leaves of this with all the broad margin, and the blank leaves of a native Testament, by writing very small, served my purpose; but I was in a difficulty how to keep my pencil in order. It was not more than two inches long; my knife had been taken, nor could I procure one. To supply this want, at the same time not waste my pencil, I kept a couple of pebbles in my pocket, one a little coarser than the other. On these I rubbed it, and kept a very fair point on it.

Patara on leaving had spoken so kindly about their treating me well that I immediately made application for some of my linen cravats, comb and brush, and shaving materials, &c. After a while, to my great surprise, Heremita brought a shirt and razor. These were a great boon, but far from all I wanted.

Two natives came this afternoon and sat with me for a long time. I made many inquiries of them respecting their new superstition, and tried to show them that the new languages they supposed some of their people spoke were for the most part sounds without any meaning. They said the Jews (Captain Levy and his brother) told them that "the new talk was Hebrew." These two fellows appeared very civil. Wished to know if I would teach them figures. I told them if they would come daily I would. They promised to do so. While they were with me I wrote a note in native to Mrs. Grace, and gave it them to read. Afterwards wrote a copy of it, and asked them to compare the two. The copy was to be kept for other natives in case the original was sent. There was a hope of vessels going next day. The captain told me this evening, apparently by accident, that he intended to effect his brother's escape. Night came. Natives returned from the meeting inland, but Patara did not come, nor could I hear anything of the letter he was to send. The vessel had been given up, and news came that the meeting had agreed that payment was to be made for the things taken from the captain; but my case seemed now very dark and doubtful, and in case the captain effected the escape of his brother, hopeless. I lay down to rest, but could not sleep. In the morning Patara and his party were to start for Turanga. About 20 Opotiki natives were going with them, which would make in all about 50.

7th.—I had concluded during the night if I could get a horse to go off eight miles inland to see Patara before he started for Turanga, and make sure of the letter at least. I could not get a horse and did not go. A few of the natives had not yet returned, and the letter might still come. I had reason also to be disturbed at what the captain told me about the escape of his brother, he having agreed that his brother should remain, and that he himself would be the medium of communication to carry Patara's letter, and bring back Hori Tupaea. My life was thus in his hands. To depart now from this arrangement by taking off his brother, who was a hostage for him to continue trading, but whose life was in no danger, was to destroy all that had been settled at the trial, and to make my case hopeless. I therefore told him this and showed him that if he had not promised to leave his brother and take the letter it would have been different, but that now it would be wrong unless we could both get off together. I expressed my willingness not to escape without his brother. He stormed at me and cursed the trial, &c. &c. I quietly told him that he must remember I could prevent his doing so. After this I was subject to much abuse, and that too in the presence of the natives, and was daily insulted because I would not give them a document to cover their loss.

Time hung heavily on my hand; the want of congenial society was very painful; the constant oaths and curses I was accustomed to made me seek society amongst the natives rather than the Europeans, except in the case of Dr. Agassiz, who was kind, but I was closely watched and every opportunity taken to keep me from the natives. I was glad to find a book belonging, I think, to Mr. Hooper, "Memoirs of Garibaldi." This filled some of my spare time. What struck me most in reading it was the wonderful preservation of that brave man under circumstances often desperate. It encouraged me to hope. Why should I doubt?

This afternoon Patara's letter arrived; the captain got it. I proposed in the evening that it should

be opened that we might know whether it was genuine, which I was led to doubt, for we had learned that the vessel was to be detained for 10 days longer. He refused to allow me to do so. I promised to be responsible for opening it, but he would not consent.

8th.—Abuse was now so common that I felt it impossible to go on; something must be done. I saw a man to-day with my red blanket and trowsers on. I told him they were mine. He said they had been given to him. I found he was from Whakatane. I spoke to him about taking Patara's letter to Tauranga. He proposed to take it overland for 5*l*. (With respect to this letter on which my life depended, thus refused to be opened, sent, or copied, Mr. Wm. Hooper since writes me to say: "Now he, the said Morris Levy opened in my house, locked my house doors during the time I read over the letter, as he did not know how to read it himself.")

Had a meeting with Mr. Agassiz about giving a document respecting loss. Explained to him my position; he advised me under the circumstances to give one. I wrote one out, and left it with him, and a second for the captain to sign for the delivery of Patara's letter at Tauranga.

The captain, owing to my reluctance to give him a document, had become so violent that I was unwilling to talk with him any more on the subject. I went out of the room and he went into Mr. Agassiz. My memorandum was not satisfactory.

At this time a lunatic had just been discovered who had exhumed the body of Mr. Volkner, had taken off the clothes and put them on himself. I immediately renewed my former request, and spoke to the natives to have a proper grave, when the younger Mr. Levy abused me in their presence, wished to know what it was to me, told me to mind my own business.

Notwithstanding I went with the natives and showed them where I wished it buried at the end of the church. Abused again by Captain Levy with oaths. He declared it should be buried in another place, away from the church, close to the hole it had been in.

After a while, as I was walking about I saw Henare and Eru with spades looking about the spot I had fixed upon. Eru came towards me and called me to mark the place; I went and did so, and they began to dig; they were remarkably civil. I asked them if there was any objection to my reading the burial service, they said there was none, and promised to be present. I went to ask Dr. Agassiz if he would join me in reading the burial service. On returning to the grave the captain and Mr. S. Levy were both there with some of the sailors. I was again abused with oaths. I expressed a wish to give the body Christian burial, he cursed me and the service. I was then pushed violently away to a distance; after a time I wrote on a slip of wood requesting to see the body interred, and without waiting for a reply went to the grave.

Afterwards, when I asked the Levys why they used me so, and said was it not natural that I should wish to bury my brother, the answer I received was "You repudiate our loss." Time still hung heavily on my hands, and my feelings for my family were most intense; the prospect was so dark that, judging from appearances, I could not expect to see them again, while the daily persecution I was enduring on account of the loss the Levys said they had sustained through Mr. Volkner and myself embittered everything, but God's word strengthened me, and I was able to take comfort in reading the evening Psalms, particularly 42 and 43, and could not help believing I should yet be free.

9th.—In conversing this morning with an old woman, I found she was returning to Whakatane, and that the people there wished me to be free. I therefore ventured to send by her a few lines on a scrap of paper torn from the margin of a periodical.

Mr. Agassiz kindly came down, and with his advice I wrote the document respecting loss in the form demanded, on condition that Captain Levy would sign another to deliver Patara's letter at Tauranga. He refused the latter except on condition of an indefinite indemnity for going into Tauranga, to which I could not consent.

I left my memorandum with Dr. Agassiz to give up upon receiving the other from the captain.

I should have consented to write the above document before if I had been satisfied in my own mind. From the first mention of the subject, it appeared to me that Mr. Volkner and myself being on board the schooner might have been to a great extent the cause of the captain's loss, and had more than once stated this to him. Tiwai and another native named Ranapira had both said it was so, and Dr. Agassiz had given a document stating he had heard the captain say he would give up all to save us, and had more than once advised me to give the required document. I therefore felt it right to give way. Also the only apparent chance of my life being saved was in getting the captain to fulfil his agreement to deliver at Tauranga Patara's letter for Hori Tupaea. In addition to this, the daily persecution I was enduring on account of not giving the document had become quite insupportable.

Evidence has since proved the captain's loss was not caused by our being on board.

10th.—From various remarks of the natives it is evident they will not allow the vessel to sail yet. This is the 10th day from our arrival, but only five days since Patara left. The natives say the rain has prevented them from bringing payment for what they have taken from Captain Levy. I have had several inquiries from the natives as to whom he is going to take away. I told them I did not know. They were evidently keeping a close watch that he should not take off his brother. I often wished to visit Mr. Volkner's house to look for some books, but difficulties were always raised. However, Henare sent me down a couch and a quantity of very good biscuit, half a bag of sugar, a lot of tea, and some candles belonging to dear Volkner. How he had managed to retain these things I cannot tell. I had the sofa put into an empty store adjoining Tiwai's house, so that I now slept alone, having exchanged the floor for a bed, and a close room and fumes of tobacco for good air.

11th.—Everything fair for sailing if the natives would let the vessel go. At about 5 p.m. a woman came up and told me she was from Whakatane, and immediately after two men from the same place said they had a letter from their people to let me go. At this time there was a meeting going on to stop the vessel. I went to the meeting and said a few words. The natives would not allow her to go until the 10th day from Patara's departure. They said they wanted time to bring payment for the things they had taken, and that on Monday it would be carted in. Report says that the Ngatiawas (the people of Whakatane and Matata) may be expected on Monday to set me free. The two men just arrived have brought word that Hori Tupaea is at liberty. Had evening prayer in native with these two men.

NEW
ZEALAND.

12th.—Sunday. How unlike Sunday; not one sign remains to tell it is the day of rest. After having morning prayers without any one to join me; I paid my accustomed visit to the grave of dear Volkner, and afterwards went to see Dr. Agassiz, and arranged finally to meet privately in the morning to read the burial service. He spoke about the document I had signed, he said he had left it on the table in Capt. Levy's store till he got the other from the captain, but would go and see for it.

13th.—Eparaima, a native of Turanga, who knew me when I lived there 12 years ago, came from Whakatane with a letter and a message from the prophet of that place to release me. He appears very desirous for my liberation, and cried very much; he is going inland to a meeting, and will, I am sure, do his best for me. At about 9 a.m. I met the doctor to read the burial service over poor dear Volkner. It was truly a solemn hour. His is a martyr's grave, and the fine church which through his exertions has been erected is his best monument. Never shall I forget this burial. My heart was filled with mingled feelings of thankfulness and sorrow. Never did I read our beautiful service with such satisfaction. Never did the words "Blessed are the dead that die in the Lord" appear so appropriate. I could not help at the conclusion asking Dr. Agassiz that in case anything happened to have me buried if possible by the side of dear Volkner.

I saw quantities of potatoes and corn carted to the vessel to day in payment for what the natives had taken. The doctor thinks Mr. Levy will lose about 50*l*.

14th.—Oteve te Arabi, an old man, has just told me that they will pay the captain for all they have taken.

He also says that he told Mr. Volkner not to return.

I walked out in the afternoon about a mile and a half on the road to Waikohiku expecting to see Eparaima, who proposed to return again this evening. At this distance I came to a new fortified pa, and went into it but saw no natives. It is situated amongst swamps apparently approachable only from the front. The river is only a short distance behind.

It is built with strong posts filled between with long Manaku sticks ten or twelve feet long; inside this there is a row of deep rifle pits, and behind them a high earthwork, measuring from the bottom of the pits about 12 feet high. This pa I have been told is only one of three or four more said to be stronger than this. I walked about until sunset when I returned. I did not see Eparaima, but he returned late in the evening. The meeting of Eparaima with the people had been so far satisfactory that if I could procure a letter from the prophet at Matata I might get off. It was a mistake in Eparaima to come without one.

The captain has been very abusive because I made an offer of money to Tiwai if he will go to Matata and procure a letter for me from the prophet. The vessel is to leave in the morning, but whether she will sail to Tauranga and take Patara's letter for Hori Tupaea, or go on to Auckland, I have not the smallest knowledge.

15th.—The vessel has dropped down the river this morning. Eparaima has just left for Turanga, but will not go further to day than Waikohiku. I have sent letters by him to Bishop Williams to send me help if possible.

Nearly all the natives were at Waikohika to day; a new pole for their worship is to be consecrated and there is to be a feast. I wished to see Eparaima again, and therefore resolved to go. Eru Kapo walked with me. He told me as we went that they would complete the payment for all they had taken from the captain. I inquired of him why his people had robbed the vessel. He said the Taranaki people began plundering at Taranaki, had carried it to Taupo, where they robbed my house, and from thence brought their law (tikanga) to this place.

On my inquiring why they had all gone over to this new religion, which allowed of murder and plunder and adultery, he told me that the Jews had told him that this new religion was the religion of the Jews, but assured me that he had not joined it.

I feel quite sure that this man did not approve of the murder of poor Volkner. My chief object in venturing so far as to Waikohika was to see Eparaima again before he went to Turanga. Things worked so very gloomy that the prospect of my liberation appeared further off than ever, and I feared the return of the Taranki natives from Turanga, when, according to report, I was to be taken off to Taranki. I had sent letters on to Bishop Williams and I now thought it best to make up all the notes of my journal in a small packet and send them also by Eparaima to the Bishop to be forwarded to Auckland. They are rather a curiosity, being written in pencil very small on little scraps of paper. It appeared very likely this would be the last that would be heard of me.

I found Eparaima at Waikohika, and sat down beside him. Immediately other natives came and sat down with us. After this I got up and walked about, and in a little while called Eparaima to come and speak to me, when Timoti got up and said if I had anything to say to Eparaima, I must say it before them all. I saw we were being watched, and was afraid they would perhaps search him, and take from him the two letters he had already. I did not now dare to give him my journal. The people seemed sulky yet civil, they gave me some water-melon. After this I stayed about an hour.

The pole or rather flag-staff was not finished. They were working very hard at it, and it was to be consecrated in the afternoon. There were about three hundred people present; scarcely any natives were left at Opotiki proper, from whence I had come. Thinking it better to leave before the excitement became great, I shook hands with a good many of them and returned. On my way back I met the captain, his brother, and Turai going to see the consecration of the post. The vessel had not been able to get out of the river, and was at the heads.

Evening.—Another storming from the captain for going out to Waikohika, this morning. Told me that it would have served me right if they had hung me up to one of the yardarms of the post.

The natives at Waikohika were so late with their feast that only a very few have returned.

No wind for the vessel to get out; they hope to sail in the morning.

The sailors came up and were desirous to serve me by taking letters, or seeing Mrs. Grace for me.

I gave them a letter for Archdeacon Brown, in case they went to Tauranga, one for Mrs. Grace if they went to Auckland. After which I wrote another for the Bishop of New Zealand, which I had hoped to give them next morning.

16th, Thursday.—I was dressing. Tiwai came to the door and said, "There is a vessel outside." After dressing I walked outside the enclosure, and distinctly saw her three masts.

At about half-past seven, just as we were commencing breakfast, Captain Levy went on to the top of the house. On coming back, he said "She has come to." He left the breakfast and went out.

I heard him say, "Give me a paddle." I immediately got up and went out to the bank of the river. Saw the captain and his brother getting into a canoe close below me. I said "Take me with you." I protested strongly that it was not right to leave me.

They pushed off, and in a moment, without a word further, paddled down the river with all speed. This act placed the vessel and crew in jeopardy.

I went back and took a little breakfast, when it was announced that some one had landed from the steamer, away to the right of where I was, the river bearing away to the left. I went out of the enclosure with Tiwai and Wm. King (an assessor from a distance). Mr. Agassiz was also there. They were all in a state of excitement, and were going off to meet the two messengers from Turanga. I begged first of Tiwai, and then of Wm. King, for one of them, both being Government officers, to stay with me, as I should be carried off, and no one would know where I was. They refused, saying they would be killed, and told me to stay where I was. I felt forsaken on every hand. I now went into my room and committed myself to the care of our Heavenly Father, and afterwards made the following note:

"I consider that I should not have been left here, but have been kept in the front, or put on board our own vessel, which there has been nothing to prevent up to this time. I am left here now to tempt the natives to take me off."

Great excitement was going on all this time outside. Men flying off in all directions on horseback to call the people together; the bell of the Roman Catholic chapel ringing for a meeting of the few present, while the shouting and noise were incessant. I walked about for upwards of an hour and a half, expecting every moment to be seized and killed. There was no one near where I was but an old woman, nearly all the natives were away inland, nearly four miles off, and the rest were gathering at a distance to meet the Turanga messengers.

I walked about, waved my hat to the schooner for them to come for me, but all to no purpose.

At length, to my surprise, I saw the boat coming up the river with the captain, the mate, John Moore, and Lewis Montague. It came to the store of Mr. Levy, about 40 yards below where I was.

Shortly, young Montague came to me and said, "If you will go round to the point where you were yesterday we will take you in." The old woman was in the yard at the time. I walked quietly out, and passed the store, where Captain Levy and the mate were getting out goods as fast as possible.

I now saw that to go to the point named was to run into the greatest danger, as I must have to pass through a number of small villages. I therefore only worked my way through one, and then got down to the bank of the river. And when about 50 yards below the store, where the boat still was, John Moore, I think it was, called out "Stop." In a couple of minutes they dropped down to me, and without any one but the old woman seeing me, I got into the boat, and lay down, and was quickly rowed down to the schooner, without any opposition. The goods saved from the store were now deposited in the schooner, and another of the sailors, Owen Jones, with the greatest willingness came on board the boat, and in ten minutes more I was safely on board H.M.S.S. "Eclipse."

Captain Fremantle immediately sent out his boats to tow out the schooner, and in a short time all were safe.

The two Turanga messengers were still on shore, and after great perseverance on the part of Captain Fremantle, the Bishop of New Zealand, and Mr. Rice, (a magistrate from Tauranga), they were finally brought off next morning.

It is due to the natives of Opotiki to say that from the time of our being tied in Hooper's house on the evening of the 2nd, I did not receive the smallest indignity from any of them. They were respectful, some were kind, and now and then a few were cool.

No. 15.

No. 15.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 57.)

Government House, Auckland, April 27th, 1865.

SIR,

(Received 17th July, 1865.)

ADVERTING to my Despatch No. 26,* of the 7th of February last, in which I transmitted a petition numerously signed by the inhabitants of the province of Auckland, praying Her Majesty to temporarily constitute the northern portion of this island into a separate colony, I have the honour now to transmit the additional signatures† which have been received from the out settlements since that despatch was written.

I have, &c.

The Right Hon. Edward Cardwell, M.P.

(Signed) G. GREY.

&c.

&c.

&c.

* Vide Papers presented 9th May 1865, page 10.

† There were 1262 signatures enclosed.

No. 16.

No. 16.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 58.)

Government House, Auckland, May 2, 1865.

(Received July 17, 1865.)

(Answered No. 50, July 26, 1865, page 217.)

SIR,

I HAVE the honour to transmit for your information the copy of a Report, dated the 18th ultimo, from Mr. Clarke the Civil Commissioner at Tauranga.

2. This Report contains some important information regarding the Pai Marire fanatics, and regarding the probability that Hori Tupaea and the party of fanatics who accompanied him, and who were arrested by Colonel Greer's orders, were acting on a pre-arranged plan with the other parties of fanatics, which quite accords with the information the Government had previously received.

3. When Mr. Clarke wrote his Report, a copy of which is enclosed, he was not aware of the great change of feeling amongst the Natives which had taken place on the east coast of this island, and he therefore viewed matters under a very gloomy aspect.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,

(Signed) G. GREY.

&c.

&c.

&c.

Mr. Clarke to
the Native Mi-
nister, Tau-
ranga, April
18, 1865.

Encl. in No. 16

Enclosure in No. 16.

Civil Commissioner's Office, Tauranga,
April 18th, 1865.

SIR,

In compliance with the instructions conveyed in your letter of March 18, No. 94, I have the honour to report for the information of the Government the state of the Natives in so far as I have had the means of obtaining intelligence.

From information derived from many different sources, it is evident that a hostile movement is in contemplation by the Waikato and their confederates against the Arawa, which if carried out will inevitably involve many of the Ngaiteragi Hapus. Many of the friendly Natives are so impressed with the certainty of this, and of their being obliged to defend themselves, that they have applied to the Colonel commanding this district and myself for fire-arms. I enclose a translation of their letter. Since the receipt of the letter they have called upon me, and expressed great anxiety on the subject. They fear falling victims to the Paimarire fanatics on account of their steady attachment to the Pakeha. They explain that they do not want the arms, &c. now, and they will be quite satisfied if they are placed under the charge of the officer commanding the district, to be given out only when danger is at hand. I would recommend this to the notice of the Government.

The Arawa are making every preparation to resist any force that the Waikato may be able to bring against them. They are anxious as to the result of a simultaneous attack on both their frontiers. Should Kereopa and Patara succeed in persuading a large body of east coast natives to come up with them, and attack the Arawa country on the east, and the Waikato under William Thompson on the west, I fear that the Arawas will be hard pressed, and will require all the assistance that can possibly be rendered by the Government.

This is supposed to be the plan of the enemy, as may be gathered from a letter addressed by William Marsh to Colonel Greer and myself, a translation of which I beg to enclose.

The success of Kereopa and Patara on the east coast on the one hand, and the inaction of the Government on the other, is producing a most baneful effect upon the Natives in this neighbourhood. The Paimarire party are exulting, and say to our friends—"There! It has happened just as we told you. The Hauhau god has paralysed the efforts of the Pakeha, they cannot avenge the death of Mr. Volkner, they are fleeing before him."

Although many have ostensibly given up the Paimarire worship, it has only been from fear of the consequences to themselves on account of the close proximity of the troops. I will venture to predict that should the troops be removed from Tauranga while the present feeling exists, it would be untenable twenty-four hours after the ships left the harbour for any Europeans. This may appear a bold assertion, but I make it advisedly, and I appeal to those Europeans resident in this district who from long acquaintance with the native character are most likely to form a correct opinion.

Many of the Natives of this district, especially those closely connected with the Patetere, and William Thompson's people have again left for their inland "kaingas," so that (it is reported) they can practise their Paimarire worship unmolested. Under these circumstances I have thought it advisable to caution the Surveyors against carrying on surveys in that neighbourhood.

In every respect we are in a most unsatisfactory state. The acts of the Paimarire Natives on the east coast, and the evident satisfaction evinced by the Paimarire professors everywhere at the fearful Opotiki tragedy, and the discomfiture of the Europeans on the east coast, show the real state of mind of the bulk of the Native population. They firmly believe that the Pakelha will be driven into the sea.

I do not put the least faith in any promise coming from either "Te Porti o te riri kori or Te Porti o te riri." Neither are to be trusted, and unless some active measures are soon taken to check the fanatics, I fear we shall have to record many such diabolical acts as occurred at Opotiki.

From information we have lately heard it is reported, with every probability of truth, that Hori Tupaea and party were acting with the other Paimarire fanatics on a prearranged plan, and were to have met at Whakatane.

Comparing dates, at the usual rate of travelling on such occasions they would have met at Whakatane. Another rather startling fact is that one of the Tius now a prisoner in this camp has had concealed about his person an axe head, which was only discovered some time after his return from Wellington. Was this intended as an instrument of execution, blessed by Te Ua, or has it been used as such on any former occasion?

I beg to enclose two documents received from the east coast; one's a copy of instructions to Kereopa and Patara, issued by "Te Ua Haumani," and the other a circular letter written in English evidently by the deserter accompanying Kereopa's expedition, signed "William Butler" (Patera).

I have, &c.

(Signed) HENRY T. CLARKE,
Civil Commissioner.

Sub-enclosure No. 1.

(Translation.)

To Mr. CLARKE.

FRIEND, SALUTATIONS.

Te Matapehi, April 14, 1865.

LISTEN you to the plan we have considered on hearing the word of Waikato, and also the word of William Thompson, viz., that he had ceased to have any consideration (for peace), that he had left Te Ua to carry out his own designs. The word of Waikato is that they have no consideration for Ngaiterangi, that they (Ngaiterangi) will be all exterminated, and the Arawa also. It is quite true that this threat has been made. The tribes who are attached to the Governor will be destroyed. We have been considering about guns, powder, and lead (ball) for us.

Friend, do not be long considering this matter. We do not know when (how soon) evil may touch us. Friend, hasten to consider; but it is not necessary to consider long, because we can see in our hearts the thoughts of those men who (used to be) leaders. They are silent now, but we know.

Friend, hasten to submit our request and yours also, because you are the Commissioner of Tauranga, and the medium through which the plans put forth by the chiefs are to be submitted.

(Signed) WIREUM PATEAE.
HOHEPA PARAONE.
WIREUM PARERA.

Sub-enclosure No. 2.

(Translation.)

To Colonel GREER and Mr. CLARKE.

SIRS,

April 12, 1865.

DON'T be weary on account of the many reports in circulation.

On this very day Tamati Hopimana returned from the Tapeha (Rotoma). He went from this yesterday, and returned today. He met a messenger from Puhirua, who states that the Waikato army is in the cultivation. They number 150 under Matutaera (the king). They are waiting for the rest of Waikato and Kereopa's party from the south. They are also waiting for William Thompson's party. When all the war party of Waikato is assembled, Ngatiraukawa will bring up the rear. When they have accomplished this, then we shall hear certainly whether the enemy intend to attack the Lakes or Maketu.

The Paerata (the Natives inland of Rotomā), who number 150, say that if they arrange to attack the Lakes they will withdraw, and become Queen's men. If Maketu, they will agree, because it is occupied by white skins, the race they had threatened in years gone by.

A man from Te Puke has arrived, who states that he has heard that 250, the vanguard, have arrived at Te Puke.

The messenger of Patera and Kereopa has arrived at Waikato.

Kereopa and Patera have a protecting party of 300, but where this army of Kereopa's is, is not yet known. Had it been known we should have heard from Tuhehu and Hohai.

In my opinion, the reason why the Waikato party is keeping close in the bush is, that they are waiting for Kereopa's fighting party. When Kereopa is close in the neighbourhood, they will attack Maketu to divert our attention, while Kereopa quietly slips into our pas. I am sending a messenger to see about this party of Matutaera's (the king).

Written by
WILLIAM MARSH.

Sub-enclosure No. 3.
(Translation.)

April 8, 1865.

THIS is to show my opinion regarding the subject of the letter (copied below).

It is possible that the threat held out by Kereopa to Awa at Whakatane, when he said, that on his return from the south he would destroy all non-combatants, whether Maori or Pakeha, that is to say, all the unarmed, is correct. One of his threats was that when he returned from canvassing for war, that then the God of War would show himself. As soon as the blockade has been declared war is at hand. My reason for these remarks is on account of this letter from Puhirua, of which this is a copy:—

"To WILLIAM HAHEIRA.

" FRIEND, SALUTATIONS.

" Puhirua, April 2, 1865.

" THIS is my word to you. Come to this place on the receipt of this letter. There is a fixed purpose (I am serious) in what I now say to you. Hearken you. This is the time for you to return to us. If you leave it for some future time you will not be able to come. Do you listen. Your relative William Thompson is gone to fetch all his relations. For this reason we say to you come back to us. This Island is saved (or showing itself above water). Do not be faithless but believing. Do not tell this to any one; keep it to yourself.

" With regard to your word respecting the horse, it shall be sent if you will pay attention to what I have already said. If you will not come (now) you will not be able to come by and bye, on account of the blockade of the "Ingiki," a Pai Marire official of high standing; but friend do come.

" FROM EREATARA."

When he says that this Island is saved, he means that it will be saved by this Pai Marire God.

Copied by WILLIAM MARSH.

The letter was handed to me by William Hikaira (to be copied), and sent on to you and Colonel Greer, but keep it to yourselves. Do not let the Natives hear of it, lest it be generally known, and we be kept in ignorance by the enemy of the near approach of the day of battle. They intend to inform W. Hikairo secretly, but perhaps they are deceiving. Let us wait and see.

Sub-enclosure No 4.

COPY of HOROPAPERĀ's written INSTRUCTIONS to the two Pai Marire parties now at Turanga, furnished to us by PATARA.

Matakaha wahi o Taranaki,
Tihema 8th, 1864.

HE whakaaturanga tenei mo te upoko ka tukua atu nei ano kia haere i nga wahi o te motu, ke te ara, maro atu i konei a Waitotara ka ahu atu ki uta, te putanga kei Pipiriki, maro atu ki Taupo, maro atu ki te Urewera, maro atu ki Ngatiporou, tae atu kia Hirini Te Kani-a-takirau, te mutunga mai kia tika te hari kana e whakabengia e te tangata e peneitia me ta Rangitaurira ritenga whakahe i tera o aku akoranga ki nga wahi o te motu, kia tae pai ai kia Hirini, mana e hoatu ki ana whanaunga Pakeha i reira. Ki tenei reta korerotia i nga kainga katoa, ki te kino i te repo ma koutou e ahu a atu ki tetahi pepa hou kia tae pai atu ai ki etahi kainga atu, Pena tonu a tae noa kia Hirini.

Heoi

NA TE UA HAUMENE.

Sub-enclosure No. 5.

COPY of a LETTER from "PATARA" to the European Residents at Turanga (written in English).

March 25, 1865.

Patutahi.

DEAR FRIENDS, being informed that you are afraid of the Natives who have lately come here i write you these few lines to inform you that you need not have the slightest of fear in your hearts for they do not intend you the slightest of harm. There is only one person implicated in the murder of the minister and i dare say you know his name so you must not Blame a whole flock because there is one scabby sheep in it. i Am desired by the Natives to inform you that if tomorrow is a fine day they the Natives wish to see you all at eight o'clock precisely do not be afraid but come boldly forward for if there was the slightest danger i would be sure and warn you of it so no more at present.

But remains your friend

WILLIAM BUTLER.

The Envelope.

This
letter is for all
the Europeans
at Turanga.

The above is a correct copy, spelling and all. He has made a mistake in the date, as it was written yesterday, March 22nd.

March 23d, 1865.

(Signed) E. B. CLARKE.

No. 17.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 59.)

Government House, Auckland, May 2, 1865.

(Received, July 17, 1865.)

SIR,

(Answered, No. 50, July 26, 1865, page 217.)

I HAVE the honour to enclose for your information a copy of a Report from Mr. McLean, the Superintendent of the Province of Hawke's Bay, from which you will be glad to learn that affairs on the Eastern Coast of this Island have recently assumed a more favourable aspect than they bore a short time since, and that there is now but little reason to apprehend disturbances in that part of the Island. You will I think be especially gratified at finding how large and active a part the Native race have themselves taken in preserving the peace of the Eastern portion of the Northern Island.

Supt. of
Hawke's Bay to
the Hon. Native
Minister, Napier,
April 25,
1865.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 17.

Encl. in No. 17.

SIR,

Napier, April 25, 1865.

I AM glad to be able to acquaint you, that the state of Native affairs at Poverty Bay and the Wairoa has recently assumed a more favourable aspect than was generally anticipated a few weeks ago.

The St. Kilda arrived here from Poverty Bay on Sunday, bringing the Rev. S. Williams, Wi Tako, Matene Te Whiwhi, and other Natives of the West Coast.

Hirini Te Kani Otakiran, the principal Chief of the East Coast, and other influential Natives have arrived here by the same opportunity.

I enclose the copy of a letter from the Rev. S. Williams, which details some of the efforts used by himself and the friendly Natives to resist the progress of the Pai Marire faith at Tauranga, and it is gratifying to be able to state that those efforts have been attended with so much success.

I also enclose the copy of an address from the European settlers of Poverty Bay to Wi Tako and Matene Te Whiwhi, expressive of their high appreciation of the important services rendered by those Chiefs.

I am quite aware that the Government will not fail to recognise those services in a substantial manner.

I shall avail (myself) of the presence of Hirini, Matene, Wi Tako, and other Chiefs to have a general meeting, at which measures will be proposed in concert with the friendly Natives to resist the insidious encroachments of the Hauhau, and provide more fully for the security of the European inhabitants on the East Coast.

The erection of a block house, enrolment of volunteers, arming of the friendly Natives, and other measures adopted for the safety of the Waiwa have been attended with the best possible results.

I enclose the copy of a letter from Mr. Locke, an intelligent officer who possesses an intimate knowledge of the Natives, together with one from the Resident Magistrate of the district, describing the action taken by Kopu, Ihaka, Puora, and other Chiefs with their followers on the occasion of a late visit of from 300 to 400 of the Hauhau.

I cannot speak in too high terms of the undeviating loyalty and zeal of Kopu and Ihaka, to whose exertions the European inhabitants of the north end of the Province are indebted for being preserved from the outrage and violence of the numerous bands of fanatics that have frequented that part of the district.

I regret that some of the Chiefs are not proof against the fascinations of the Hauhau belief. Te Matenga of Nuhaka, who a few weeks ago declared emphatically against the Hauhaus, has now joined a party of them under the pretence that his wife and other members of his family can be cured of all ailments by their incantations. It is evident, from this and other cases of defection constantly occurring (notwithstanding the present more favourable aspect of affairs), that there cannot with safety be any relaxation in the adoption of measures for the defence of the inhabitants.

I have, &c.

The Hon. the Minister for Native Affairs, Wellington.

(Signed) DONALD McLEAN.

SIR,

Tauranga, April 20, 1865.

I HAVE the honour to inform you that the Hauhau, who up to the 31st ultimo were fast gaining ground, and only a week since were making use of very insolent and defiant language, have, to say the least, received a most decided check.

Their arguments have been thoroughly confuted, and the falsehood of their statements with reference to the success of their party, as well as their unfounded claim to supernatural power, has been completely exposed. Kereopa had been so well received that he was expected at Makaraka in company with some of the Tauranga Chiefs to have his likeness taken, when the news of our arrival induced him to keep in the background, and after threatening to gratify his cannibal appetite upon Wi Tako, as well as the clergy, he left the district on the 5th instant much discouraged and alarmed. Patara who found it convenient to disclaim any connection with the Opitiki murder, and pretended to condemn

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Kereopa's proceedings, was using every means in his power to establish himself in the district, and to push his way to the Ngatiparow at Warapu and the Kawakawa.

The Taitanga-a-Mahake Hauhau were determined, in defiance of all that was said in opposition, to bring Patara forward at the Waereugaakika runanga, but upon reaching the spot on the 10th instant, and finding that the friendly Natives would not meet him, they made use of most violent threats against all strangers and sympathizers with the Government and then retired. Most of them returned on the following morning with Patara and the rest of the Taranaki party; and at the termination of the meeting it was evident that what had been said had made a decided impression, for there was a marked change in their tone and manner. Several of them have since left the Hauhau, among whom is Hanare Ruru, one of their most influential men, who has openly denounced their proceedings. The manner in which they ran from Whakato when challenged to draw the "Lady Bird" on shore, their failure to get the "Eclipse" ashore at Opotiki, as well as the failure of the Urewera and Wairoa party in attempting to draw the "St. Kilda" ashore at Whareongaonga, have been constantly cast in their teeth in not very complimentary language. Potara evidently found the ground breaking from under him, and he left Taureka on Sunday last for the Bay of Plenty.

At the Whakato Runanga the constant cry of the Natives was "Stop the war or every corner of the island will soon be in arms." The reply was, "How can you speak of peace when you have been encouraging people in your district who are not only Hauhau but murderers of innocent Europeans; had you apprehended these murderers upon their reaching this place and handed them up to the authorities, you would have distinguished yourselves and might have expected a hearing." The residents again said "Stop the war and the Hauhau will soon die out. It is only supported by sympathy for the people who are being slain, and for the land which is being taken from them. As for the murder, let the Governor arrange that at Opotiki." To this it was replied, "You are putting the cart before the horse, first give up the murderers and put down the Hauhau, and then talk of peace."

The extraordinary amount of suspicion which was exhibited by many towards everything that had been said or done by the English, and as to their ultimate intentions with regard to the Native race was most painful to witness; but the testimony borne by the Olapi and Ahuriri Chiefs to the truth of the statement that it was not the wish of the English to exterminate the Maories and deprive them of their land, but that on the contrary a very kindly feeling had all along been manifested towards them (murderers excluded), and that the Government would rejoice at the prospect of peace if it could be secured on a satisfactory basis, appeared to have a very great effect in restoring confidence and allaying irritation of feeling. After considerable discussion it was arranged that if the Hauhau were expelled from the district, a general meeting should be called at Ahuriri, as being the most central spot, to which the leaders of the tribes now in arms against the Government should be invited to discuss terms of peace. But when Raharui Rukupo sided with the Hauhau at the Waerengaahika runanga, and urged, that if at the Ahuriri meeting the Government should decline to make peace, all the neutral tribes should take up arms and join the hostile ranks, the friendly Natives declared that a meeting called with such an understanding would only be an insult to the Government, and therefore they would decline having anything to do with it. I cannot speak too highly of the valuable assistance which has been rendered by Wi Tako, Matene Te Whiwhi, and their party who came up with me in the "St. Kilda," in checking the advance of the Hauhau, and in keeping the peace of the district during the recent crisis, for there is little doubt, that but for their presence, and the exertions they have made, Kereopa and Patara would by this time have had the whole district under their command. Wirihaua Toatoa has carried weight as expressing the views of Ngatikahungunu of Ahuriri who he represents. These Chiefs would, I believe, have gladly apprehended the murderers, but being unarmed themselves with very little chance of any real support from the resident Natives, whilst there was every certainty of the greater number of the Taitanga-a-Makaki taking up arms in defence of the murderers, they were obliged to relinquish the idea. Since the departure of the Taranaki, I have visited Taureka and Oatatahi the head quarters of the Hauhau in company with Archdeacon W. L. Williams and some of the friendly Chiefs; there we were treated with great civility. The people generally appeared ashamed of their late conduct, and from the way in which the principal men expressed themselves, I am led to the conclusion that their attachment to the Hau Hau religion is not very deeply rooted, but that on the contrary its influence is already declining. From these considerations I am encouraged to hope that there need be no apprehension of any immediate disturbance in this district.

It is only just to state that there were some of the Taitanga-a-Mahaki tribe, who were deeply grieved at the conduct of their own people, and who would, I believe, have been ready, if it had been necessary, to risk their own lives in defence of the Bishop and his family.

In conclusion, I would remark, that the fact of the Bishop having left the district as he did under such trying circumstances, had a most salutary effect in inducing the Natives to reconsider the position in which they were placing themselves, and was a powerful lever in the hands of those who were trying to expel the murderers from the district, and to put down the Hau Hau.

His Hon. the Superintendent Napier.

I have, &c.
(Signed) SAMUEL WILLIAMS.

(Translation.)

TO WI TAKO, MATENE TE WHIWHIE, and their companions.

GENTLEMEN,

WE wish to express to you our grateful sense of the important services which you have rendered to this district during the three weeks of your stay in it.

Notwithstanding that your own lives have been threatened, you have done your utmost to strengthen the hands of those who have been exerting themselves to save this district from those troubles which seemed to be coming like a flood upon it, and under the Divine blessing your efforts have been so far successful that the influence of the Hauhau party has very considerably diminished since the time of your arrival; and Patara and Kereopa have both left the district with their followers, having been

unable to stand their ground against the opposition which has been brought to bear against them and their pernicious doctrines.

May God preserve your own district from those troubles which you have shown yourselves so solicitous to avert from this.

(Signed) W. L. WILLIAMS.
J. W. HARRIS.
JAS. DUNLOP.
JNO. HARVEY.
NATHAN STAFFORD.
W. SMITH.
R. H. UREN.
H. J. UREN.
J. G. STEDDY.
JNO. TYE.
JAS. SMITH.
JAS. MACKY.

(Signed) R. ESPIE.
D. MCILROY.
JNO. TOW.
ED. ESPIE.
ALEX. ROBB.
JAS. WILSON.
G. E. READ.
T. R. BLOOMFIELD.
R. READ.
JNO. EDWARDS.
A. KEMP THORNE.

Poverty Bay,
20th April 1865.

SIR,

Wairoa, April 20, 1865.

I BEG to forward enclosed a report of a native meeting held at the Uhi Pa on the Wairoa, on Monday 17th and Tuesday 18th, also the speeches of both parties on the occasion, also a letter from Kopu containing the speeches &c. for publication in the Waka Maori.

The Hauhau party at the time of their leaving Turanga it appears, did not muster many followers, the majority of those who caused the disturbance at Turanga either stopping behind, or returning to Opotiki by another route; this party is led by a man called Bonaparte (their prophet), and another named Watene formerly a minister on the Waikato, who seems to be the cleverest man in their party. These two men with a few followers stayed for a time at Maraetaka to gain followers; from thence they marched to the Mahia and Mukutauwa, where they stopped for some days, going through their ceremonies, which they laugh at themselves, and recruiting followers. From what I can at present ascertain, they did not succeed in gaining many immediate followers there, but they have succeeded in upsetting the Native mind in that district, and in disorganizing all the Hapus, so that the lowest rogue is looked upon as the cleverest man.

They then proceeded to Nukaka, where they were met by Ihaka Whanga and his followers, who withstood all temptations. Too much praise cannot be bestowed on Ihaka for the manner in which he resisted these people and defeated all their arguments; but they succeeded in gaining over Matenga Tukareako, who has ever since been one of their principal advisers, and now wishes them to leave some Tius (Jews) in this district to teach the people: on leaving Nukaka they proceeded to Wakaki, where they were joined by the Waru and all the inland Natives, and on Monday 17th arrived at the Wairoa to the number of three to four hundred.

Early on Monday morning I proceeded to Kopu to visit the different chiefs on the river, and to make arrangements for meeting the Hauhau (I am what I am). About 9 o'clock, the friendly Natives collected at the Pa of Paora Apatu, when it was arranged that the friendly Natives should march to the Uhi all armed, and the Europeans should all stop on the right bank of the river near the stockade, but that there should be no unnecessary show, all of which plans were carried out; but on arriving at the Uhi Pa, and waiting for some time, the natives returned to Puori Apatu's Pa, first setting a guard on both sides of the river. The next morning, 18th, the friendly natives again collected, numbering about one hundred and fifty under arms, but many more were in readiness should necessity require.

We marched up to near the Flag Staff. The friendly chiefs present were Kopu, Paora, Apatu, Hamaua Tupea, Maehe Kaumoana, Haparona, Kohe, and others. Hamana commenced by speaking the enclosed speech; he was followed by Maehe and others: Kopu spoke at great length; I am sorry to say that I have not been able to collect all his speech. As it is with Ihaka Whanga at the Mahia so with Kopu here, for it is owing to their staunch loyalty and known bravery that keeps together the Natives of this district.

Nothing has yet transpired that would lead me to suppose that there is any immediate likelihood of an outbreak here at present, but at the same time I cannot too strongly recommend precaution, for although the Hauhau are compelled to leave here, some of them intend stopping at Wakati and others at the Waiu's Pa, and it is more their underhand cunning and dissimulation that requires guarding against than their open hostility at present; and at the same time I would state that if the Government had not taken the precautions they have done in the district by arming a few of the loyal Natives, and sending up the stockade and volunteers so as to show a bold and determined front, that I should not now be able to make such a favourable report.

There has been a small native Police Force organized of ten men to perform duty as long as the enemy are in the district, which I hope will meet your approval.

I have, &c.
(Signed) SAM'L. LOCKE.

SIR,

Wairoa, April 20, 1865.

I HAVE the honour to report for your information that a large body of the Pai Marires consisting of about 400 arrived here on Monday last. I am unable to give a detailed report of their proceedings, as I was unfortunately away at Mohaka on the day in question, but Mr. Locke who was present has sent in a report of the speeches, &c., &c., &c.

I am happy to say that owing to the precautions taken by the Government in arming the friendly Natives, and in sending up a blockhouse, together with the determined stand made by Te Kopu, and

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indeed, nearly all the Natives of this place, the whole affair went off very quietly. I beg to remark here that too much praise cannot be given to Te Kopu for his conduct on this occasion. Paora Te Apatu was also very staunch.

The Hauhaus propose starting to day for Matiti, and from thence home by the inland route. They intend leaving a few at all the settlements on their way to get converts; but I am inclined to think they will be unsuccessful, particularly if the loyal Natives are kept together, which may be done by enrolling them in some simple way, as a sort of volunteer Native force. They appear to be very anxious to learn the drill. They have a few young men among them, who with a little instruction from the Sergeant of the Defence Force would be quite capable of teaching them in a very short time, and would be the means of keeping them together to a certain extent.

I am sorry to say that Te Matinga with his followers have joined the Hauhaus, but I have written to Ihaka to get all the muskets returned. I believe there will be no difficulty in the matter; and as you are aware that Te Matinga was never much liked or respected by the Natives here, very little harm will be done by his disaffection.

I have been obliged to employ labour in digging a trench round the blockhouse, and have also taken on ten Maories as a night patrol for a few days.

I have, &c.,
(Signed) S. DEIGHTON, R.M.

No. 18.

No. 18.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 60.)

Government House, Auckland, May 7, 1865.

(Received July 17, 1865.)

(Answered, No. 62, August 9, 1865, page 225.)

SIR,

I HAVE the honour to transmit for your information a copy of a letter addressed to you by Mr. Fitzgerald on the 15th ultimo, in relation to my Despatches No. 41, of the 4th and No.* 46 of the 7th of April last, as also the copy of a letter which Mr. Fitzgerald has addressed to the Colonial Secretary on the same subject, expressing his regret that he cannot unsay or modify any of the statements contained in a letter which he addressed to Mr. Adderly.

2. I have nothing to add to the statements made in the Despatches to which Mr. Fitzgerald refers. I am quite satisfied that the case should now rest on its merits, and believe that ultimately Mr. Fitzgerald will deeply regret the course he has in this instance pursued, evidently under the influence of prejudice. But I wish to correct a few additional mis-statements he has made which might mislead you.

3. Mr. Fitzgerald is wrong in saying that the letter from the Waikato chiefs, which led to the murder of two officers and six men of our forces at Tataraimaka, in no way emanated from the Lower Waikato people. It was signed on their behalf by Herewini, a Lower Waikato chief, who lived within a few miles of our out-settlements.

4. Mr. Fitzgerald is wrong in saying I did not see fit to publish a letter of mine to the Natives until a year after it was written. I have nothing to do with the publication of my letters. This is done by my Responsible Advisers, in their own way, and at their own time. It is a matter regarding which I have exercised no control whatever.

5. Mr. Fitzgerald is wrong in saying that Mr. Domett was the Minister who advised me to erect a court house and police station at the Kohekohe. This advice was tendered to me before Mr. Domett took office, and he could have known no more of the subject than Mr. Fitzgerald did.

6. Regarding the size of the buildings to be erected on the Kohekohe, I knew nothing. I believe that I never saw the design for these buildings until it was shown to me the other day at Wellington, when I was writing my recent Despatch on this subject to you.

7. Mr. Fitzgerald has also apparently forgotten that when it was originally intended to erect only a court house at Kohekohe, the King Natives of the Waikato district declared that they would not allow such a building to be erected, and that they stated this originally, without any reference to its size.

8. Mr. Fitzgerald has not quoted correctly Mr. Dillon Bell's letter to Matutaera; that letter does not state, as Mr. Fitzgerald alleges, that the building was intended for a schoolroom; the words are, "a quantity of timber which had been sent up for a school and other buildings," &c. It was shown in my previous Despatch that the building was originally designed for a court house, that then, for the reasons I have stated, the Government added a police station to it, and how the Government finally determined to add a schoolroom to every police station for the benefit of the Natives it intended to employ in the police force.

Mr. Fitzgerald
to the Right
Hon. Edward
Cardwell, M.P.,
April 15 1865.
Mr. Fitzgerald
to Mr. Weld,
April 17 1865,
*pages 16 & 39.

9. In transmitting Mr. Bell's letter to Matutaera in my Despatch to the Secretary of State, of the 30th of March 1863, I did not read that letter with a very critical eye, nor did the idea ever enter into my mind that it would be possible to put such an interpretation on the acts of the Government, as it has now been attempted to put upon them, or I should certainly have made a full explanation on the subject, instead of forwarding Mr. Bell's letter without comment.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 1 in No. 18.

Christchurch, New Zealand, April 15, 1865.

Encl. 1 in
No. 18.

SIR,

I HAVE this morning, a few hours before the departure of the English mail which sails to day, received by command of his Excellency Sir George Grey, a copy of two Despatches dated the 4th and 7th instant respectively, which his Excellency has addressed to you, charging me with having stated what was not true, in a letter which I wrote to Mr. Adderley, dated 14th November, 1864, and which was published in the "Times" newspaper.

I have the honour to enclose a copy of Mr. Weld's letter to myself by which you will perceive that his Excellency calls on me to substantiate or withdraw the charges I have made, and at the same time forbids me to publish his Excellency's Despatches without his express sanction.

The only course, therefore, open to me is at once, notwithstanding the shortness of the time allowed me, to address yourself, in order that I may not remain even for one month under the imputation of having mis-stated facts.

In the Despatch of the 4th instant his Excellency says that it is "absolutely and wholly untrue that " after obtaining permission to erect a school room or court house at Kohe Kohe " he caused a plan to be made of a redoubt for the reception of troops.

I am prepared to establish upon oath before any tribunal Her Majesty's Government may choose, every word of the statement I have made.

1. The intention to erect a court house is admitted and proved by the several enclosures in his Excellency's Despatch No. 41, of the 4th April 1865.

2. That the building was also intended for a school, is proved by a letter from the Hon'ble F. Dillon Bell to Matutera, printed on page 17, E. No. 3, Section I. of the Appendix to the Journals of the House of Representatives for 1863. As this letter states that the building was intended for a school room, as it was written by the Minister for Native Affairs, and was enclosed by his Excellency to the Colonial Minister, in a Despatch dated 30th March 1863, I may be pardoned for assuming that it states what is true.

3. That the building was not really a court house or a school room is also substantially proved by his Excellency's own statement in the Despatch under consideration. He says " On the 28th June 1862 " I was advised in the manner then usual that a barrack for the accommodation of a Native police force " should be added to the court house which was about to be built," and in the memorandum dated 28th June 1862, the last enclosure in the Despatch under notice, his Excellency says, " I think it is of " the utmost importance that every effort should be made to obtain every position we can on the Waikato river." It must be admitted that this language points to something very different from a school or court house. As to the view taken by the Natives I beg to refer you to Enclosures 6 to No. 11, p. 18, E. No. 2, section 1, in the Appendix before quoted. It there appears that when Thaka and Moki rowed past and saw the timber prepared for the building which they had thought was to be a small building, they said " No, it is death to the nation," meaning that it was not timber for a court house, but large heavy balk for a formidable military post. I assert and am prepared to prove that such was the character of the building attempted to be erected, and that it was the magnitude of the timber and the obvious and unexpected character of the building which alarmed the Natives, and induced them to resist its erection. I therefore respectfully submit that my statements on this head were perfectly accurate. His Excellency is also pleased to complain that I did not bring this subject before the Assembly in the session of 1864, which occurred after I had written my letter to Mr. Adderley. I reply that in the very first speech which I made in the House of Representatives in 1863, I did distinctly state the whole story, challenging its denial in the presence of Mr. Domett and Mr. Bell, the Advisers of his Excellency, when the event occurred and in the presence of the then Ministers who had just taken office, and that though it occasioned much talk out of the House, it never received either in or out of the House any denial whatever. It was then not very likely I should call in 1864 for an inquiry into a fact which was allowed to pass unchallenged by two ministries in 1863, especially as the session of 1864 was a very brief and exceptional one, in which all subjects of dispute were avoided in order to enable his Excellency to extricate himself from the embarrassment in which his collision with Mr. Whitaker's government had involved himself and the colony.

I now come to his Excellency's Despatch of the 7th April, in which his Excellency asserts that " every one of the important statements " in my letter to Mr. Adderley, as to the breach of faith with the Natives at Ngaruawahia " are wholly and absolutely untrue."

I will first assert in reply to this, that I am prepared to prove by Native evidence, that the conduct of the Governor was considered to be a breach of faith.

It is exceedingly difficult for me, at an hour's notice, to make out from the large volumes of papers the published evidence on this point. I particularly, however, beg to call attention to W. Thompson's letter to Bishop Pompalier, published on page 88 (No. 2 of the Appendix for 1864). It is quite clear that after Rangariri the Natives were thoroughly broken, and prepared for submission and peace, and

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I have received much information which leaves no doubt on my mind on this subject. As regards Sir George Grey's assertion that he did write to Pene Pukewhau after the army got to Ngaruawahia, I beg to point out that the letter to which his Excellency refers was published for the first time in the Appendix for 1864, some weeks after my letter. It was not included in the papers for 1863, the only information open to the public when I wrote to Mr. Adderley. My statements were based on the published documents in No. 5, pages 5-8, and I am sure you will perceive that the inference I drew was a fair and natural one. But I assert that Sir George Grey did regard his letter of the 6th December 1863 as involving an engagement to meet the chiefs at Ngaruawahia, for he was on the point of starting for that place.

The reasons why he did not go are stated in a note appended to No. 6, p. 3, E. No. 2, Appendix for 1864. The broad fact remains, which I believe to be unquestionable, that the Natives were fully prepared to come to terms at that time, that a satisfactory peace might have been made, but that the steps which would have led to it were abandoned, owing to a miserable squabble between his Excellency and his Ministers, to which, therefore, may be attributed all the loss of life and of treasure since that time.

Lastly, with regard to the promised inquiry into the Waitua question, Sir George Grey says that he tried all he could to get the Natives to agree to that inquiry. I reply, he had promised to make that inquiry himself, and he did not make it for eighteen months. The moment he did make it he found that further inquiry was unnecessary, and he gave up Waitua at once. Had his Excellency made that inquiry eighteen months before, he would probably have taken the same course. I entirely agree with his Excellency that Englishmen will not sit quietly down and see other persons in possession of their homes, and it may be that their compulsory acquiescence in that wrong during eighteen months, in which they received no single word of sympathy or sign of assistance from the Governor may account for the deeply seated distrust of his Excellency, which characterises the European population of Taranaki. There is not the slightest doubt that had the Waitua question been honestly grappled at once, the restitution of Tataraimaka would have followed, and that in the view of a Governor who had expressed such strong opinions as to the cruel wrongs done at Waitua—whose language, if it meant anything, fully justified the resistance of the Native tribes to that act of aggression, the settlement of the Waitua question was the sine qua non of peace. Certain it is that William Thompson and the chiefs of Waikato offered to go down to Taranaki and effect the restitution of Tataraimaka by peaceful means, and the Governor deliberately refused their offer. But it is no part of my present object to intrude my own views upon Her Majesty's Government. I wrote to Mr. Adderley in order to disabuse the minds of the English of the idea that his Excellency Sir George Grey was standing between the Natives and the rapacity of the Colonists; amidst all that the Colonists have suffered, nothing is more galling than to see a great and ill deserved reputation for humanity erected at their expense.

When the Colonists are once left with the power to act under their Constitution, and are charged with the pecuniary liabilities of their own acts, it will be evident that war has not been their policy; and that when it has seemed to be so, it was only under the sore temptation offered by a struggle in which the acquisition of land and the extension of commerce were paid for by the lives of English soldiers and the money of English taxpayers. Such has been the policy of the present Governor of New Zealand.

To the Right Hon.
Edward Cardwell, M.P.,
&c. &c.
Secretary of State for the Colonies.

I have, &c.
JAMES EDMUND FITZGERALD.

Enclosure 2 in No. 18.

Mr. FITZGERALD to Mr. WELD.

SIR,

Christchurch, April 17, 1865.

I BEG to acknowledge the receipt of your letter of the 13th instant, enclosing by command of his Excellency a copy of two Despatches, with enclosures, which his Excellency has addressed to the Secretary of State, in order that I may have the opportunity of substantiating or recalling certain statements made by me in a letter to Mr. Adderley, which his Excellency considers to be untrue.

I shall be obliged if you will convey to his Excellency the Governor my grateful thanks for the opportunity he has afforded me of seeing those Despatches, and my very sincere regret that I am unable to unsay or modify any of the statements contained in my letter to Mr. Adderley. As it was clearly impossible for me to remain under the imputation of having stated what was untrue, I addressed a letter to the Secretary of State, a copy of which I enclose for his Excellency's information.

Sir George Grey only does me justice in saying that he has no intention of imputing to me any intention of purposely perverting the truth. I have only stated facts as they appear to me from information on which at present I rely, and it is a matter of extreme regret to me that nothing contained in the Despatches, of which copies have been forwarded to me, appears to require me to alter the views I have formed as to the facts referred to in my letter to Mr. Adderley.

The one statement in my letter that "no communication was made to the Natives after Rangiriri," which was inaccurate, I cannot help, because his Excellency had not seen fit to publish that letter for a year after it was written, but as that letter was substantially "no communication" in the sense in which I was speaking, and was so regarded by the Natives, my statement was substantially though not literally true.

The Hon. The Colonial Secretary,
&c. &c. &c.

I have, &c.,
(Signed) JAMES EDMUND FITZGERALD.

No. 254.

SIR,

In a "Times" newspaper received by the last English mail, there appears a letter which you addressed to Mr. Adderley on the 14th November last, and which contains some accusations against his Excellency Sir George Grey.

His Excellency's attention having been thus drawn to that letter, he has felt it his duty to contradict statements which you have made therein, and he has addressed two Despatches, numbered and dated as in the margin, to the Right Honourable the Secretary of State for the Colonies to that effect.

His Excellency desires me to say, that he does not of course attribute to you wilful misrepresentation, but he thinks it right in sending those Despatches to the Secretary of State, to communicate them to you, for your own information, and thus to afford you the opportunity of either substantiating or withdrawing the charges to which he refers. I have, therefore, the honour to enclose for your information copies of the two Despatches in question. You will, of course, see that it would be improper to publish them for general information without his Excellency's express sanction.

J. E. Fitzgerald, Esquire, M.G.A.,
Christchurch, Canterbury.

Colonial Secretary's Office,
Wellington, April 13, 1865.

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Governor's
Despatches,
No. 41, 4 April
1865, and
No. 46, 7 April
1865, pages .

I have, &c.,
(Signed) FRED. A. WELD.

No. 19.

No. 19.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 61.)

Government House, Auckland, May 8, 1865.

(Received July 17, 1865.)

(Answered, No. 50, of July 26, 1865, page 217.)

SIR,

I REGRET that Sir D. Cameron is under the impression that myself and the Colonial Ministers were doing something unfair to him behind his back, whilst he was engaged in operations in the field; and that he should have forwarded, as he informs me he has done, such a statement for the information of Her Majesty's Government.

Sir D. A. Cameron to Sir G. Grey, May 3, 1865.

Sir G. Grey to Colonial Ministers, March 4, 1865.

Colonial Ministers to Sir G. Grey, March 20, 1865.

Sir G. Grey to Colonial Ministers, April 1, 1865.

Colonial Ministers to Sir G. Grey, May 8, 1865.

2. In order that you may have before you full information on this subject, should any further question arise regarding it, I have the honour to transmit copies of the papers noted in the margin.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 1 in No. 19.

Encl. 1 in
No. 19.

Sir D. CAMERON to Sir G. GREY.

SIR,

Head Quarters, Auckland, May 3, 1865.

I WAS much surprised at seeing in one of the local Newspapers a Memorandum by your Excellency to Ministers, dated 4th March, in which you thought proper to quote certain expressions contained in a private letter from me to your Excellency of the 28th January last.

The Memorandum of Ministers in reply, which is a personal attack upon myself, shows that they were fully aware of the person to whom your Memorandum was intended to refer, and that they fully understood the object you had in view in sending them that Memorandum.

I intend to forward copies of these Memoranda for the information of Her Majesty's Government, that they may know what your Excellency, in concert with the Colonial Ministers, was doing behind my back whilst I was engaged in operations in the field.

I have, &c.,
(Signed) D. A. CAMERON,
Lieut.-General.

Enclosure 2 in No. 19.

Encl. 2 in
No. 19.

MEMORANDUM by the GOVERNOR.

THE GOVERNOR, fearing that an impression prevails in some quarters that the present war is carried on for the profit and gratification of the Colonists, trusts his Responsible Advisers will in all instances, whether in recommending measures for the Governor's adoption, or acquiescing in those he may recommend, make such a full and explicit statement of the objects they have in view, and of the reasons

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on which the proceedings they advocate are based, that no misunderstanding can take place in the minds of just and unprejudiced persons regarding the propriety and necessity of the course which may be adopted.

March 4th, 1865.

(Signed) G. GREY.

Enclosure 3 in No. 19.

MEMORANDUM by MINISTERS.

MINISTERS in referring to the Governor's Memorandum of the 4th instant, expressing a fear "that an impression prevails in some quarters that the present war is carried on for the profit and gratification of the Colonists," are prompted by their desire to meet his Excellency's wishes rather than by any sense of the necessity of rebutting imputations so vague and so indirect.

Ministers feel that they might safely rely upon his Excellency's sense of justice for their defence. They are not aware that any difference of opinion had existed between his Excellency and themselves regarding either the advisability of taking decided action in the country between Taranaki and Wanganui, or regarding the ends sought to be obtained by such action. They believe that on these subjects there has been a free interchange of opinion between his Excellency and his Responsible Advisers, and that such consultations have in no case resulted in any difference of opinion. Ministers would undoubtedly have preferred that his Excellency should, after visiting the southern island, as proposed by them, have arrived at Wellington, and Wanganui, if necessary, about the time that Lieutenant-General Sir D. A. Cameron commenced his operations there, and they at the same time proposed that a Member of the Ministry should accompany the General to Wanganui, in the hope that such a course might facilitate any peaceful overtures on the part of the insurgent natives. The Lieutenant-General, however, considered that the Governor's presence in Auckland was imperatively required, and finally did not adopt the proposition that he should be accompanied by the Minister for Native Affairs, considering his presence unnecessary.

It is possible that these circumstances may have given rise to a supposition in the minds of some persons, ignorant perhaps of the Proclamation of the 17th of December, 1864, that the Lieutenant-General Commanding, being without the presence of any high Civil authority, became involved in hostilities which might have been avoided. Ministers, however, cannot assent to this view. Had they seen any probability of successful negotiations resulting in the submission of the hostile tribes, they would have pressed their original proposition. His Excellency is well aware that the country between Wanganui and Taranaki has long been a focus of sedition and fanaticism. There, in 1854, was held the meeting of Manawapou at which death was decreed against any Native who should sell his own land to the Pakeha; thence issued armed bands of marauders and plunderers during the Taranaki war; thence up to the present day issue organized parties of fanatics who traverse the Native districts throughout the Island, parading the cooked heads of Europeans,—in one instance, it is said, leading captive with them two British soldiers, and, in at least one case, adding cannibalism of the most disgusting character to their other crimes. Ministers will not dwell upon such facts, as that all communication between Taranaki and Wanganui has been long prohibited by these tribes;—that the mails have been stopped;—that a mail steamer having been wrecked on the coast, neither military nor civil authorities at the nearest port could have access to it by land; that this district is the refuge of Native criminals, as was shown in the case of Henare Tahau who escaped thither after attempting to murder a Native woman. More recently, Mr. Hewett, a much respected European settler, the Native Assessor, Rio, and other friendly Natives have been murdered; a European road party fired upon, and the progress of Her Majesty's troops resisted by force of arms. The loyal Natives of Wanganui have been threatened with the same destruction as Europeans. The gallantry with which they have defended themselves and their European fellow-citizens will be fresh in his Excellency's memory.

Ministers cannot but admit that it would have been for "the profit" of the Colonists if the Lieutenant-General commanding had found it possible by vigorous action so to carry on war in the headquarters of fanaticism as to have ensured submission, and thus put a stop to a rebellion which has incalculably retarded the progress of New Zealand—which has depreciated the value of property throughout the country districts of the Northern Island, and which has placed both Islands of New Zealand in a state of the gravest financial embarrassment. They must also admit that the Colonists, the friendly Natives, and all who desire the welfare of this Colony, and of its inhabitants, whether of Native or European origin, would derive "gratification" from the establishment of law, order, and peace in the place of anarchy and the most degrading barbarism.

Ministers would further state that though they believe that the repression and punishment of the rebel tribes of this district, and the opening and occupation of their country, is an absolute necessity—regard being had to the safety of the neighbouring settlements, and the peace of the Island generally—they, nevertheless, have advised his Excellency to oppose the demand of the Lieutenant-General for reinforcements from England (nor will they advise any operations to be undertaken, which may involve the retention of Imperial forces in the Colony), and submit their opinion that a Colonial force of bushrangers and cavalry, united with the loyal Natives, whose interests are identified with those of the Colonists, will be sufficient to undertake and execute all operations that are requisite.

The expression of these opinions will probably sufficiently rebut the insinuation of improper anxiety to retain the troops for the "profit" of the Colonists. Further, Ministers will content themselves with requesting that his Excellency will inform them whether on any occasion they have offered him advice which might fairly appear to have been dictated by any disregard for the true interests of Natives, or any undue desire to obtain land, even for legitimate purposes of sale or colonization. Ministers, in tendering advice to his Excellency, will at all times, as heretofore, be ready to state their reasons and objects in so doing, and will do so in writing whenever he may require it.

Wellington, 20th March, 1865.

FRED. A. WELD.

Enclosure 4 in No. 19.

NEW
ZEALAND.

MEMORANDUM by the GOVERNOR.

IN their Memorandum of the 20th ultimo, Ministers request the Governor to inform them whether upon any occasion they have offered him advice which might fairly appear to have been dictated by any disregard for the true interests of the Natives, or any undue desire to obtain land, even for legitimate purposes of sale or colonization.

In reply, the Governor has to state that Ministers have not in his opinion at any time tendered to him advice which was either directly or indirectly open to such a construction as they have alluded to in their Memorandum.

(Signed) G. GREY.

April 1, 1865.

Enclosure 5 in No. 19.

MEMORANDUM for his EXCELLENCY the GOVERNOR.

THE Ministers now at Auckland having considered the letter of the Lieut.-General commanding Her Majesty's Forces in New Zealand (dated 3rd May), on the subject of the Memoranda Nos. 4, 5, 6, A. No. 1, 1865, which the Governor has communicated to them, submit to his Excellency the following remarks:—

1. That these Memoranda were published by Ministers in the exercise of a recognised right of his Excellency's Advisers so to publish such documents in the form of a Parliamentary paper, for the information of Members of the General Assembly, and not in the local newspapers; and in the present instance they believe that they were so published without previous consultation with his Excellency.

2. That Ministers do not perceive in his Excellency's Memorandum of the 4th March No. 5, A. 1., any quotation from any letter public or private, but simply an announcement of the prevalence in some quarters of an impression, which groundless as it was, might yet among ill informed people seriously affect the character of the Governor, the Ministry, and the Colony, and which if it gained currency among the officers and men of Her Majesty's forces, would tend materially to impair their energy and neutralize their efficiency against the public enemy. This impression his Excellency deemed it the duty of the Ministers to remove, by such a recapitulation of the objects they had in view, and of the reasons on which the proceedings they advocated were based, as might remove all misunderstanding on these points from the minds of just and unprejudiced persons.

3. Mr. Weld's Memorandum of 20th March No. 5, A. 1, was directed to this object, and neither is nor was intended to be an attack on any person.

4. The Governor, having now communicated to them Lieut.-General Sir D. A. Cameron's letter of the 28th of January, referred to by that officer in his letter of the 3rd May, in which they find him speaking of the operations in which he is engaged as "miserable war" carried on "for the profit and gratification of the Colonists," Ministers frankly admit that necessity for a vindication of the Colony which they questioned when the calumny came before them merely as a vague and indirect imputation, and tender to his Excellency their thanks for his having impressed upon them this necessity, at a time when it was not evident to themselves. They reserve any further remarks upon this correspondence which they may hereafter feel it their duty to make.

(Signed) WALTER MANTLE.
H. A. ATKINSON.

Auckland, 8, May 1865.

No. 20.

No. 20

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 63.)

Government House, Auckland, May 10, 1865.

(Received, July 17, 1865.)

(Answered, No. 50, July 26, 1865, page 217.)

SIR,

I HAVE the honour to transmit for your information the copy of a statement made by Te Aporo, a Native who was charged to deliver to me a message from Rewi, who has hitherto been the chief leader of the rebels. This statement was made on the 24th ultimo. I at the same time transmit the copy of a letter, dated the 30th ultimo, from the native teacher at Ahuahū, which fully confirms the statement made by Te Aporo.

2. You will be glad to find from these papers that there is little doubt that Rewi now intends to make his submission to the Government, an event which must have a great effect for good in this Country.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.I have, &c.
(Signed) G. GREY.Statement by
Aporo, Auck-
land, April 24,
1865.Erneti to Mr.
Snackenburgh,
Ahuahū, April
30, 1865.

Enclosure 1 in No. 20.

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Encl. 1 in
No. 20.

STATEMENT of APORO KOTIKOTIKE to his Excellency Sir GEORGE GREY, K.C.B., at Government House, Auckland, April 24, 1865.

HEARING in the early part of January last that the soldiers were going to Kawhia in the steamers, I proceeded to Whaingaroa for the purpose of going to Hangatiki, to urge upon the natives not to attack them if the steamer should go to Kawhia, but rather to go and trade with them. On the 20th of January I sent a letter to Te Wetini, Te Waitere, to Rewi, and all the Chiefs, requesting them to meet me at Hangatiki. On the 23rd I myself arrived there, accompanied by Anatipa. I found Te Waitere, Te Wetini, Porokoru, Toma, and about 300 men assembled there. After they had gone through the Paimarire worship, I went up to "Niu" (flagstaff round which they go through their ceremonies), and said to them "Hearken, ye children of Israel, there is but one God the Lord Jehovah. Do not think that the Governor derives his power from himself. It is from God. See, the Philistines believed in their own strength, and yet the Children of Israel were given over to them by the Lord. But now, O people, do not take the name of the Lord in vain, from whence came this" (laying his hand on the niu)? Te Wetini answered, "From trouble (mate), what is it to you!" "It is my sackcloth" (Hahu tara tara.) "If such is the case I do not find fault with it, for such is the conduct of those who are in trouble." Rewi, being the great spirit of the Ngatimaniapoto, was sent for and arrived on the 2nd February. I said to him "Rewi, why did you not obey the Governor's letter, and send him your guns when he asked you for them? If I had been here I would have hastened to obey him. You should have returned him those things, for they originally came from him." I further said to him, "What about your hand and the Governor's hand holding each other's heads!" His answer was, "When I actually behold the man to unfasten our hands, then will I put my sword down, I will let you be the bearer of my word; return and fetch a person from the Governor's Runanga, bring him here, and then the correctness of the word will be seen," i.e. 'the putting down of the sword.' I then said "Let that word be sacred."

Rewi and Matutaera named Mr. George Graham as the person they would like to see. I then returned to Auckland.

Shortly afterwards news was received of the murder of the Reverend Mr. Volkner, and I heard that it was rumoured that it was Rewi's doing. I immediately went to Kawhia and saw Rewi. I charged him with acting treacherously with me. He answered he had not, but that he was patiently waiting for an answer to his word; and told me to return again for the answer.

(Signed) JAMES FULLOON,
Interpreter.

Encl. 2 in
No. 20.

Enclosure 2 in No. 20.

FATHER HENRY,

Ahuah, April 30, 1865.

SALUTATIONS to you, and also to Mrs. (sic.) . . . Salutations to you both in my love. My desire is that you come back to this place, and to Aotea. My thought is that you should come here previous to your going to Auckland to see Mrs. (sic.) It is well however that you should go, trusting in God, and then return to us.

Father, we are all right and well, except Pene, who is dead; Rewi and Te Paea are behaving very well to us. Some of the King party came to fetch away the cattle which we purchased from Te Roare, but we would not give them up, and Rewi came to rebuke those Kingites from Hukuparea, and has confirmed us in the possession of these cattle; no one is to take them away from us. Hami Haereiti proposed that we should fight the King party, but I would not agree to it. Our purchasing the cattle was correct, and is justified by Hami.

Listen. Rewi is inclined for peace. He is waiting for Aporo. Rewi and Te Paea are my companions at present, with Takerei and Waretini. No evil will come here; I am sure that there will be quietness at Kawhia. Rewi's word to me now is, fetch Henry here; I don't mean Takerei, we know that he is all for peace. Hari's word in regard to you formerly has been put down by Rewi. You (will) have a letter from Hari. The Kawhia King party, Henare, Reihana, the majority of the men at Waikarakeke, and the Ngatimahuta are going to Whanganui to fight; Takerei, Mancha, and Rewi staid. Let Aporo return quickly. Rewi pays great respect to the neutral Natives and to us. He says that we are to stay quietly here, and not to be afraid. This is all.

From your loving Son,
ERUETI.

Rihia has the local news.

No. 21.

No. 21.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 67.)

Government House, Auckland, May 20, 1865.

(Received, August 15, 1865.)

(Answered, No. 70, August 26, 1865, page 228.)

SIR,

I HAVE the honour to transmit for your information copies of two confidential Reports which have been received from Colonel Warre, C.B., from which you will be glad to see that by two skilful and rapidly executed movements he has occupied two most important positions to the North and South of Taranaki, has placed that Province in a state of security, and has in point of fact, I believe, brought the war in that province to a close.

Col. Warre to
Ass. Mil. Sec.
New Plymouth,
April 27, 1865.
Ditto, May 13,
1865.

2. The post he has occupied to the south of New Plymouth is 50 miles distant from it, nearly half way to Whanganui, and within about 15 miles of the point to which Sir D. Cameron advanced. A remarkable illustration is thus afforded of the correctness of my conclusions as to the sufficiency of the force in the country easily to connect the settlements of Taranaki and Whanganui, as you will find that Colonel Warre states that he was not only able to establish the two important posts I have named, but has also opened his overland communication with them without experiencing any opposition, or any difficulty of any kind.

3. You will further find that Colonel Warre states in reference to the country to the north of the Waitara, and between that river and the White Cliffs, that the whole number of the rebel Natives in that neighbourhood is very small, whilst to the south of Taranaki at Warea, their main place, he states that the number of rebel Natives cannot exceed 40 or 50 fighting men. I could not, therefore, have asked for reinforcements of several thousand men, in addition to the 10,000 regular troops now in the country, and to the local forces, to encounter such an enemy.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure 1 in No. 21.

Colonel WARRE to ASSISTANT MILITARY SECRETARY.

Encl. 1 in
No. 21.

Sir,

New Plymouth, New Zealand, April 27, 1865.

No opportunity having sooner enabled me to report for the Lieut.-General's information the fatal result of a rencontre between some rebel Natives and an unarmed party of men, who contrary to all orders, had, as detailed in Major Colville's letter herewith enclosed, gone some distance below Stony River to hunt cattle and pigs, I avail myself of the present occasion to inform the Lieut.-General that although the body of Private J. Jury, 43d Light Infantry, has not been found, I have every reason to hope that he is not a prisoner in the hands of the rebel Natives; and although at first I anticipated that the rebel Natives had wantonly shot our people to recommence hostilities, I am glad to find by a letter received from Colonel Synge, 43d Light Infantry, commanding the southern outposts, that the Natives living south of Warea repudiate this cruel murder, and have sent word to him under a flag of truce that the Warea Natives deserve punishment, and that they will not assist them in fighting against us.

Major Colville
April 23, 1865.

As signal lights were passed up the coast from Warea to Mohau on the night of the above-mentioned occurrence, and as on the very same day Mr. Parris reported to me that he had received reliable information that Wm. King expected the Ngatimania Poto to come to his assistance, I considered it my duty to take every precaution for the defence of the settlement, and to do all in my power to prevent its again becoming the scene of active hostilities, and at the same time to prevent as far as possible the Europeans and settlers who are now scattered over the whole area of the cultivated district without delaying or impeding their operations, so essential for the speedy occupation of the land.

I therefore decided in order to meet the threatened incursion of rebels from the north, to occupy the position near the White Cliffs, Pukearuhe, the position of which, all who know the Native tracks declare, renders it impossible for any body of rebel Natives to enter the province by the coast line.

At the same time I determined to take possession of the Native lands at Warea, with a view to punish the Warea rebels for their cowardly attack on one man.

With a view to enable me to carry out the first-mentioned arrangement, Major Atkinson, Defence Minister, chartered the S. S. "Phœbe," which happened to arrive here en route to Manukau, to land troops and stores at Puhiaruhe. The charge of this expedition I entrusted to Lieut.-Colonel Mulock, 70th Regiment, and I await with some anxiety the explanation he had to offer for only partially carrying it into execution, as it appears that owing to stress of weather, only half the troops were landed, not in a very regular manner, and as the landing at New Plymouth on the return of the steamer was not good, he with the troops left on board went on to the Manukau, from whence they have not yet returned.

Mr. Parris, who accompanied the force, returned with some friendly Natives overland, and reports that the result of this move is already apparent in the surrender of sixteen (16) more of Wm. King's Natives, and that he, Wm. King, has retired to a place called Haupapa, above Kiri Riringa on the Waitara River.

A company of military settlers have proceeded to Pukearuhe to relieve the bushrangers by the "Wonga Wonga" steamer, and I have little doubt when military settlers are placed, as I understand is intended, between the Waitara and the Nunui Rivers, that the whole of the rebel Natives in that neighbourhood, whose numbers are very small, will give in, and the overland communication with Pukearuhe will be secured.

Lieut.-Colonel Synge, 43d Light Infantry, was instructed to occupy the rebel lands at Warea, and to make diligent search for the body of Private Jury, 43d Light Infantry. The state of the weather on the 25th and 26th obliged him to halt at Stony River, where the whole of the men were employed in completing the road recently formed by the military settlers under Lieutenant Ferguson, R.E., which I hope will now last good well through the winter.

As the number of rebel natives at Warea cannot exceed 40 or 50 fighting men, I anticipate no opposition to the construction of a military post at that place, and I trust as soon as this is secured that we may be able to drive the rebels out of their villages, and punish them for their repeated acts of violence.

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Although I feel that after my Report of the 22d instant, (No. 9,) I may be open to the charge of inconsistency in extending my outposts, having stated that I should reduce them in consequence of an anticipated difficulty in supplying them during the wet season, I trust the circumstances now detailed will exonerate me, and that the Lieut.-General will sanction and approve of my proceedings, which after his letter of the 19th January last, I should only have undertaken without his consent being previously obtained, had I not considered it necessary for the defence of the settlement, and that the delay of communicating with the Lieut.-General's head quarters rendered it necessary for me to take the responsibility on myself.

The Assistant Military Secretary,
&c. &c. &c.

Head Quarters.

I have, &c.,
(Signed) H. S. WARRE,
Colonel.

I reported the above-mentioned occurrences and my contemplated arrangement to his Excellency Sir G. Grey by the "Phœbe," on the 24th instant.

SIR,

Camp, Stony River, April 23, 1865.

I HAVE the honour to report for the information of the Colonel Commanding, and in reply to your Letter, No. 541, of this day's date, that yesterday one of the bullock drivers reported to me that four bullocks belonging to the Commissariat had strayed during the night across the Stony River. I ordered four of the mounted men to cross the river and bring them back, as I have done on other occasions. I considered four men enough for this duty, the bullock never going far, (they were caught near Koumene's Mill) and as the friendly Natives are constantly passing between Mokotuna and this, had the mounted men confined themselves to my orders the disaster I am about to relate would not have occurred, but unfortunately on arriving at Mokotuna they saw some horses and cows in the distance, and gave chase, and were then joined by one sergeant and five privates 43d Light Infantry, without arms, who in direct disobedience to my repeated orders and warnings, had crossed the river by some other ford, with the intention of pig hunting.

These men then proceeded in company two or three miles beyond Mokotuna, and whilst engaged in leading away a calf were surprised by a party of nine to twelve mounted Maories. They all, however, most wonderfully escaped with the exception of Private John Jury, 43d Light Infantry, and Joseph Hawkes of the Mounted Corps; the remainder returned to camp between 5 p.m. and midnight by ones and twos. The men of my regiment were in confinement with a view of being brought to trial.

I determined to start this morning at 9.30 a.m., taking with me 60 rank and file, and a few mounted men to search for the missing men and horses. On arrival at the spot I found the body of Private Hawkes shot in three places, one eye cut out, and body stripped naked, his horse was likewise lying shot close to him. I placed his body in a cart, and have sent it into New Plymouth.

I could find no trace of Private Jury, 43d, though I searched the country well in skirmishing order to the distance of a mile round the spot where his horse was lying dead. This man had taken the canteen keeper's horse.

The opinion of the Native who accompanied me is that he is taken prisoner.

I found the three horses of the three surviving orderlies untouched, with their saddles and bridles on them.

In reply to the questions contained in your letter, I have the honour to state for the information of the Colonel Commanding, that I delayed sending in the report of the disaster until this morning, as I was still in hopes that the two missing men might return in the night, and that it would save the parents of Private Hawkes some suspense.

2dly. I only sent four mounted men to bring back the Commissariat cattle, as I considered that number sufficient, to Mokotuna and Raumenes Mill, for as I have previously stated, had they not gone after other horses and cattle, this fatal disaster to one of their number would never have occurred.

3dly. Lieutenant McGuinness of the Mounted Corps requested my permission to cross the Stony River on the 21st instant with a dozen of his men to look for an orderly's horse which had strayed across. I warned him not to go far, and in presence of Lieutenant Talbot, 43d Light Infantry, my acting adjutant, he said he would not go beyond the Mokotuna River. I then allowed Lieutenant Onslow, 43d, to accompany him. He brought back two horses and one foal, of which report has been made.

With respect to the step I took to-day in searching for the missing men, I can only say that I did it on my own responsibility, and to the best of my judgment, thinking that even then a man's life might be saved by speedy action.

I have, &c.,
(Signed) F. M. COLVILLE, Major, 43d Light Infantry,
Commanding Southern Outposts.

The Garrison Adjutant, New Plymouth,
&c. &c. &c.

Enclosure 2 in No. 21.

SIR,

New Plymouth, New Zealand, May 13, 1865.

In continuation of my letter of the 27th ult. (No. 10). I have the honour to report that I have established military posts at Pukearuhe near the White Cliffs, about 35 miles to the north, and at Oponaki Bay near Te Namu, about 50 miles to the south.

My reports to the Deputy-Quartermaster-General will give the details of these expeditions, which with that for the occupation of Warea about 26 miles to the south, conducted by Lieut.-Col. Synge, 43rd, were carried out simultaneously, on or about the 29th ultimo, and without opposition or difficulty of any kind, beyond the inconvenience caused to a small portion of the force under Lieut.-Col. Mulock,

70th Regiment, who failed from stress of weather, in the first attempt, to land at Pukiaruhe and were carried into Manukau.

Having established my position at Opunaki which I amply supplied by sea, I at once proceeded to open communication by land, aided by the post established at Warea. I accomplished this object without opposition, but owing to the unusual amount of rain which has fallen so early in the season the river became impassable, and I was detained at Opunaki till the 7th instant, when I returned overland to New Plymouth. The state of the rivers and roads has also prevented my carrying out my intention of attacking the rebel Natives who have established themselves about four miles inland near Warea. I regret to state that we have failed to find any traces of Private Jury, 43rd. The friendly Natives state that he was killed, but I fear his body must have been taken away or mutilated by the rebels who attacked his party on the 22d ultimo.

The result of my recent movement has I trust not only secured the peace of the Province, but has, as William, King of Umeroa, naively expressed it, "shut the gate" against the incursions of rebel Natives from the north. The immediate result of the occupation of Pukearuhe was the surrender of 16 of Wm. King's (of Mataitawa) Natives, and of Opunaki, that of Wm. King of Umeroa with 20 fighting men, Adam Clarke of Opunaki, with 10 fighting men, besides women and children. I believe also the occupation of Opunaki will not only isolate the Warea rebels, but from the peculiar nature of the country, and the steep scarps of the Waiana river, will cut off the southern Natives who are not likely to remain between the forces now occupying Waingongoro, and Opunaki.

The Natives attach great importance to the occupation of Opunaki Bay, where I found two boats in good preservation, belonging to the S.S. "Lord Worsley" wrecked three years ago in the adjoining bay, together with large quantities of the debris of the vessel.

I enclose translation of a letter I received from Teha the Prophet, whose family fled from Matakaka (his village) on our landing in the bay.

Teha, as the Lieut.-General is doubtless aware, is the originator of the Pai Marire or Hau Hau religion, and exercises great influence over the tribes on this coast.

Teha's letter is difficult to understand, but Mr. Parris believes he intends to infer that the rebels who are now continuing the strife, are very few in number, "a mere skeleton," seeking their own destruction.

Teha evidently considers the rebel cause as hopeless, and requests the removal of the soldiers to save his own property.

I also enclose translation of a letter from Hapurona which was found at Matakaka. Mr. Parris tells me that this letter is very characteristic of the "fighting chief of the last war" but the word of Teha is not told. The "basket of Areta," is a figurative expression intending to imply the possession of great knowledge or skill, and by it Hapurona means that although the old chief Nepe and his own son Horopapera (who has been with me throughout the recent operation and has rendered most faithful service) have seceded from the Rebel ranks, their secession is of no consequence so long as he Hapurona remains. "The house of Matapi of our ancestor Rehua," implies that his present habitation is safe, and so well chosen that not even a reptile can enter. As Hapurona describes himself as an "Owl" he is doubtless alone, and the treasure or knowledge he possesses in the "basket of Areta" must be kept for some future occasion. As Teha has frequently advocated peace, I am inclined to believe that Hapurona would have gone with Nepe and his son "to be men for the Governor" if Teha had so advocated.

The friendly Natives of the Waitara district who joined the expedition to Pukearuhe and returned with Mr. Parris overland, will I trust receive some consideration for their services on this, as on many other occasions having been freely rendered.

I have, &c.

(Signed) H. S. WARRE, Colonel.
Comdg. Troops, Taranaki.

The Assistant Military Secretary
&c. &c. &c.
Head Quarters.

THE COLONEL AND MR. PARRIS.

Translation.

Ngatawheta, April 28, 1865.

FRIENDS, salutation to you two.

I have heard that you two have arrived at Opunake, and that you wish to see the elders (old men). Let it be enough for you to see them. Don't commence hostilities in that part, but leave it peacefully. Take the soldiers and hostilities on the other side of the Kuroa, that is to say to Warea. Yes, and also bring it on this side south of Waingongoro.

You two listen. There are four fighting rooms and four peaceful rooms on the Island. Listen quietly, friends, to these few words. The days of God are good, but the form of man is striving in weakness (as a skeleton). Who shall see that likeness of his?

It is for the skeleton to say. The God of thousands.

Friends, listen quietly to that word. It is finished.

(Signed) NA TE HA HAUMENE,
NA FITO HAUATAWA
and all the Councils from
Ngatawheta to Patea.
Mowhitu Pa, March 22; 1865.

(Translation.)

Go this my letter to my brother, Tantai Ariki. Friend, salutation to you and the people of Ngatiruanui Ngarauru, and Waikato, working the work of male children, as saith the proverb of our ancestors. Friend, I am living as an orphan. Our father and our child (Nepe and Horopapera) have gone to be men for the Governor, never mind them. Had also the basket of our ancestors which contains information gone. The basket of Areta.—You listen.—The Owl is here in the House Matapi of our ancestors Rehua. (An old proverb). Had the word of Teha Houmene which I only heard indirectly, come to me in a substantive form in a letter the word of you two, I should have gone.

(Signed) GENERAL HAPURONA.

NEW
ZEALAND.
No. 22.

No. 22.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 71.)

Government House, Auckland, May 23, 1865.

(Received August 15, 1865.)

(Answered, No. 68, August 25, 1865, page 228.)

SIR,

I HAVE the honour to transmit, for the purpose of being laid before the Queen, a numerously signed petition from the natives of Hokianga, praying that Her Majesty will not allow the place of residence of the Governor to be moved from Auckland to the south of New Zealand.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. in No. 22.

Enclosure in No. 22.

To the QUEEN.

THIS is the voice of the Maori people, living at Hokianga in New Zealand, praying to you, O Queen.

We have heard that fault has been found with the old place of residence of the Governor and the Government at Auckland, and that they are to be removed to the South.

We think this to be wrong. Listen, O Queen, to our word. It is the salvation of this island that they are taking elsewhere. There are two races of men living on this island, the Maori people one, the White people the other.

The Governor and the Government standing in the midst, looking after both races, protects them.

We think that if the Governor leaves us, great confusion will be the consequence. This is the reason of our prayer to you, O Queen, to confirm the dwelling of the Governor at Auckland, at the place which is near to all the Maori tribes.

This is our prayer to you, from the people who have adhered to you in the tempest and in the sunshine, *i.e.*, who are loyal in war and in peace.

Here follow the names of 152 Natives, including 40 Chiefs.

We, the persons who have written our names to this paper, do truly wish that the Government of New Zealand be kept at Auckland, that they may plainly see to the helm and head, that is to say, the evil of the island.

No. 23.

No. 23.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Hon EDWARD CARDWELL, M.P.

(No. 72.)

Government House, Auckland, May 23, 1865.

(Received, August 15, 1865.)

(Answered, No. 67, August 24, 1865, page 228.)

SIR,

WITH a view of confirming in their allegiance the Natives of the East Coast who had been visited by the fanatics who murdered Mr. Volkner, I requested Captain Luce, at present senior naval officer here, to proceed to that part of New Zealand, there to visit the principal friendly chiefs.

2. Captain Luce is an officer of considerable ability and of great discretion. I therefore anticipated that important results would follow from his visit. In this expectation I have not been mistaken, as you will find from the enclosed copy of his report of proceedings that great good has been effected by his visit to the friendly chiefs of the East Coast.

3. Since his return, Her Majesty's ship "Eclipse," commanded by Captain Fremantle, has been despatched to call at Opotika and some places in its neighbourhood. I trust that by this mail I shall be able to transmit to you Captain Fremantle's report of his proceedings.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Capt. Luce to
Sir G. Grey,
with Enclo-
sures, Auck-
land, May 11,
1865.

Sir G. Grey to
Capt. Luce,
Auckland,
May 18, 1865.

Enclosure 1 in No. 23.

REPORT of proceedings of Captain Luce, during the cruise to the East Cape, between the 26th April and the 11th May 1865.

NEW
ZEALAND.Encl. 1 in
No. 23.

Her Majesty's ship "Esk" in Auckland Harbour,
May 11, 1865.

SIR,

I HAVE the honour to report, that in compliance with your requisition of the 20th April, I have visited, in Her Majesty's ship "Esk," Te Raha, Hick's Bay, Kawakawa Waiopa, and Poverty Bay, and at each of these places I held communication with those chiefs and tribes who were willing to see me. I was well received on all occasions. I everywhere delivered, as your message, the instructions you gave me to "encourage the tribes in everyway in my power to remain faithful to their religion and to the cause of law and order." While I praised the loyal and faithful, I warned the Kingites and Pai-Mariris that no act of violence would long go unpunished. I advised them above all things to remain quiet and peaceable, and told them that as long as they behaved well they would not be interfered with, and that I believed peace and quiet would soon open their eyes, and bring many of them back to their flag and their church. I told all that I came from you, and that I would patiently listen and report to you all I saw and heard. I also delivered your letter to the chief Morgan, and the bishop's letter to the people of Poverty Bay.

I believe this visit of a man-of-war with a message from you to the East Coast Natives has had a very good effect. The loyal and faithful feel themselves strengthened and encouraged, while the King party and Pai Mariris, who latterly have in some places closed the roads, and shown marked incivility to loyal Natives and English travellers, changed their tone directly our being on the Coast was known to them, and not only opened the roads, but also invited into their Pas myself and those who were on their way to see me. I held koreros at Te Raha, Hick's Bay, Kawakawa, Waiopa, and Poverty Bay. The chief Morgan came to me at Hick's Bay, and I accompanied him overland to his place. He and two of his chiefs embarked with me at Warariki Point, and accompanied me to Poverty Bay, and at his earnest request I brought to Auckland the Chief Wicliff of East Cape and Hotene of Waiopa Valley. The summary of what I heard at the different places is as follows:—

At Te Raha.

I ascertained beyond a doubt that Mr. T. A. White had left that place in the Kate Williams on the 21st and 22d March. I met a friendly chief, Hame Rewite, who showed me a paper signed by Mr. White, and dated 21st March, certifying that the bearer was a loyal chief of Omais. An English resident named Smith saw him embark in the schooner, and told me that she sailed with a full cargo, that all her dealings with the Natives were of a friendly character, and that they had fine weather at Te Raha for three days after she left. The Pai Mariris have visited this place, and converted most of the Natives to the new religion. They said in reply to my advice to remain quiet and peaceable, that only one crime had been committed in the Bay of Plenty, and they had taken no part in it, and would remain quiet. The other people profess not to have changed their religion, but say that the young and the women take to it eagerly. A party of Pai Mariris were expected there in a day or two. Two chiefs, Te Repa Tamarangi and Hori Kerei Kawakura, relatives of Mr. Fulloon, came on board with us, and consulted with Mr. Fulloon about the practicability of raising a contingent of friendly Maoris from amongst the tribes. There are not above 60 men at Te Raya.

At Hick's Bay.

I visited the chief, Tharaia Honkaman. His Pa is small, scarcely containing above 30 men. He said that though frequently pressed to receive Pai Mariris and Kingites, he had not done so, and would not. He complained that he was none the better for his faithfulness, and said that he had not arms and ammunition enough to shoot a brace of pigeons for his guests. The clergyman from Kawakawa now lives at Honkaman's Pa, under his protection. The Kawakawa people, he told me gave him much trouble, and he thought it best to leave them for a time.

Your letter to Morgan was forwarded from here, with one from Mr. Fulloon, asking him in my name to come to me. Though the chief promises not to admit the Pai Mariris I observed a great curiosity among his people to see what the religion was like.

At Kawakawa.

The chief, Hohua, and most of his people, met us on the beach. There were not above 30 or 40 men present, but many women and children. The chief said that he and his people had remained firm and quiet, and would continue so. They want (he and the other speakers said) another magistrate, and arms to defend themselves, and they also wanted to receive a visit from your Excellency, who they had never seen. I believe there are several Kingites in this Pa, and I was told that the King's flag often flies from the flagstaff. The chief returned on board with me; and that afternoon I entertained a large number of Maories, including several chiefs, and Morgan, who arrived about sunset. All parts of the ship were free to them; they saw our arms and we fired at a mark, &c.; they left astonished and delighted. Morgan and his clergyman Moses were my guests for the night. We slept at Kawakawa the next night (Sunday), and started for Waiapu at daylight on Monday 1st May, and arrived there the same afternoon. Several chiefs and others accompanied us.

Waiapu.

There were not so many Natives present at the meeting as Morgan had expected. Some of the small tribes had been persuaded that if they did not attend I should go to them; and they did not like Morgan to receive all the honour. There is no doubt of the complete loyalty of Morgan and his people; but there are many Kingites in the immediate neighbourhood, and we could see the King's flag flying during my stay at two Pas inland. The constantly repeated cry of Morgan's people was, "We are surrounded by dangers. We want arms and ammunition to defend ourselves. We want another magistrate in the room of Mr. White, and we want some soldiers or settlers."

Poverty Bay.

I arrived here on the 3d May, and arranged with Archdeacon Williams for a meeting to be held at Whakato the following day. The principal chief, Kaniatokerau, was absent at Napier, but the bishop's letter was opened and read by his people. There were about 100 men at the korero. All professed to desire to remain quiet; some declared themselves to be loyal; the majority said they were neutral, some of the neutrals said that in case of war they would side with the Government, two acknowledged that they were Pai Mariris, but said they had no wish to break the peace; several wished a visit from your Excellency; a few said they did not object to your coming, but thought no good would result. Some blamed the bishop as the cause of the coming of the Pai Mariris, and said he need not have left them. Many said they wished him back again, but some of these said the time was not yet ripe for his return. Morgan and Wicliff spoke out boldly, and were sometimes interrupted. It was reported to me that the deserter Brown (late 57th Regiment), who has been travelling about the country with the Pai Mariris, had escaped from them, and was working for a settler named Skyrme. I thought it very desirable that this man should be apprehended. Mr. Fulloon willingly undertook to try to capture him. He took his measures promptly and effectively. The man was taken into custody by Mr. Fulloon, who brought him on board within four hours of my having desired his capture.

Archdeacon Williams informed me that Butler had returned to Opotiki, but that about three days since he had sent a message to the Poverty Bay Pai Mariris desiring them, to sow potatoes, &c. on the adjacent hills, so that provisions may be ready for him when he revisits them. Butler advises the people to remain quiet as long as they are not interfered with, but they are to send to him, and he will immediately come to their assistance if the Pakehas give them trouble.

The Maoris wherever I have visited them appear to be living in a state of unhealthy excitement. The settlers complain that trade is slack, and very little doing; but I do not think their lives or property are in any danger. All the tribes I saw speak very highly of Mr. White, and regret his loss. Many, even of the King party, brought their disputes for him to decide, and all wish a good man may be sent to fill his place. In conclusion, I have pleasure in acknowledging the valuable assistance I have received from Mr. Fulloon. His presence was extremely useful, not only as a zealous and obliging interpreter, but also because he was able to explain to the Maoris what has been done in other parts of the island, and to talk to and advise with them in a friendly and unofficial manner.

I have, &c.

(Signed) J. P. LUCE, Captain.

ADDRESS of Captain LUCE to the NATIVES assembled at POVERTY BAY on 4th May 1865.

I HAVE brought you a letter from your bishop and a message from the Governor. The letter you have heard. The Governor read it, and approves of its contents. The Governor's message is this "Encourage the tribes in every possible way to remain firm in the Christian religion, to keep the peace, and to obey the law." Those who do this, and who distinguish themselves by maintaining order and peace, will be very favourably remembered by the Government, and will find themselves travelling on the right road; but be sure that no act of violence will long remain unpunished. Those who continue troublesome, and try to bring bad feeling and distrust between the Pakeha and the Maori, are on the wrong road. They and their children's children will suffer for their folly. No power on earth can now drive the Pakeha from New Zealand; but there is ample room for both Pakeha and Maori, and when quiet is restored the Government will as carefully protect the rights of the Maoris as those of the Pakeha. You have asked for the Governor to come here. What good will result by his coming? I do not think he will like to come on a fruitless journey. If his coming would do good, I think he would be glad to visit you. Your bishop left you to save himself from insult; and perhaps his life was even in danger. If you want him back, send to assure him that he will be welcomed, and receive the respect due to his office. Let me hope that my message will be well received, I am ready to hear, and promise faithfully to report to the Governor any message you may wish to send him. I have heard enough. I have heard many excuses for what has past, but few promises for the future. My last word of advice to you is to remain quiet and peaceable, and I trust to time to bring all back on our side. I will report to the Governor what I have heard and seen, and he will judge what is best for him to do, whether to come to you, or to wait for more settled times.

(Signed) JAMES FULLOON.

Captain LUCE's ADDRESS to the NATIVES assembled at WAIAPU on the 1st May 1865.

I THANK you for your welcome, and am glad that the Governor asked me to be the bearer of this message. That message consists of a few words: "Encourage in every way all the tribes you

"meet to continue faithful to the law and to the Christian religion." Tell them that that is the best and only way to bring peace, security, and prosperity. Those who remain firm and quiet will reap their reward; those who break the peace, and follow the silly Pai Mariri superstition, are sure to bring sorrow and misery on themselves. The Pakeha and Maori must be friends, and the Maories will be greater gainers by that friendship than the Pakehas. The Governor hears everything. He has heard with great pleasure of the brave and faithful bearing of Morgan and his tribe; he desired me to thank them, and to say that the Government would not forget their good conduct, but that they would meet their own reward. Of some other of the neighbouring tribes the reports have not been so favourable. The Governor wished me to see, and give his message to all who came to me, to encourage them to be true, and to hear and carry to him anything they wished to say. The Governor as well as all of you regrets the death of poor Mr. White. If you are all anxious that another magistrate should be sent to you, I will tell him so, and I believe he will quickly accede to your request, and he will give his best attention to any request you may send to him through me. You have been unfortunate in the fate of those who have visited you; the first was drowned on landing; the second soon met the same fate. We, the Pakeha, say there is luck in No. 3, and I hope that my visit will have good fortune, and will be remembered as the beginning of better and quieter times. I can promise nothing; but I have eyes to see and ears to hear, and my report shall be faithful.

(Signed) JAMES FULLOON.

April 28th, 1865.

Captain Luce landed at Karetonia, and saw the old chief Thar, who spoke to the following effect: Welcome, welcome my friend the Pakeha; welcome to Whare Kahika; welcome to your place. The steamers frequently come in here; but you are the first to come in a man-of-war to see me. Welcome. I am living here quietly and without thought; I have remained quietly from the first. They have tried to make me a Kingite without success; now they are trying to convert me to the Hau hau fanaticism, with the same result. I have forbidden them to pass through my territories; they will not come past Cape Run-away (Tiri). They (the Hau haus under Patara) are going to write then for the (blank) to go and see them. I do not think they will go to see them; I have forbidden them to do so. They are constantly threatening us; they say they will clear us off. Look at me; I have no arms, nor have I legs. If they do come, we have nothing to defend ourselves with. Why don't the Governor give us some arms and ammunition to protect ourselves with? or is waiting to hear that we have all been killed? Trouble and danger is on every side of us. I did not think so much of it before, but since the murder of Mr. Volkner I am dark; I cannot tell what will happen. This is my word to the Governor, send me arms and ammunition to defend myself with, I have remained true and faithful from the beginning, and yet what have I got for it? am I any better off than those the others. Why has not the Governor been to see me; he passes and repasses here without his ever calling in to see us, his children. Send us arms, &c. We have not any. See the trees are full of pigeons, and yet I cannot shoot any of them for you, my guests. Welcome to Wharekahika, welcome to this place. I have some King Natives on the other side. Go and drive them away. Drive them away from their place. It is they who are constantly threatening us; even now they are in fear that you have come here. If you were to go over there they would be very civil, because they are frightened of you. Be strong and sure, lest they the weaker be stronger than you, the powerful.

Te Houkaman then handed a letter which he had received that morning from Te Matinga of Te Raha, respecting the Hau haus, for the Governor's information.

April 29th.

Captain Luce went over to Te Kawakawa and saw Hohua Tawhaki and his people.

Hohua Tawhaki.—Welcome, Captain Luce and Mr. Fulloon. We are glad that you have come to see us; we are in great fear. We have been and are constantly being threatened by the King's Natives; they are constantly saying that they will cut us off; it is not a new word of theirs. I have a great number of us. There is Te Houkaman's party, there is mine, and there is Te Mokena's; altogether we have 500 men, but we have no arms; that is, there are some that have guns and powder, but no one has caps (percussion); that is our great want. If we had only some caps, then we should be easy. Welcome. We have applied over and over again for arms, and we will persist until we get it. We sent a great many letters to the Governor by Mr. White, asking for arms and ammunition, but I suppose they have gone with him. The fault is Mr. Rice's. He promised to call here for him in the steamer (H.M.S. "Eclipse"). If he had done so, Mr. White would not be lost; we would not have lost our good friend; he was the man that we liked. Hearken, this is my word. Let the Governor send us another man soon, let him send us a good man. Friend, send us the arms and ammunition that we may cease to dread these fellows that are constantly threatening us. We are dark because of the Opotiki murder. We do not know what they will do, as they have begun to murder. Go to Opotiki, and punish the murderers, do not spare them. Tell the Governor to close his love for the Natives; it is a waste of time and sympathy; they do not deserve it. Punish them; punish them severely until they cry; then show them pity. There are some King's Natives here; they have been impudent, and have threatened us, but since you have come they are afraid and are civil; they are now very civil, because the man-of-war has come here; very little would cause them to run away. You will see them tomorrow; they have three Pas. They are a bad lot. They have forbidden us to pass along the coast; we can only do so when there are a large party of us. I wish them to be sent away. Welcome, captain; welcome, stranger from afar. I have a request to make. I want a flag (English Jack) for my Pa, that people may see and know that I am living under the Queen's laws, that the

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people may see that they are under the Queen's flag. Will you ask the Governor for one, and he will send it to me. Welcome.

Two or three others then spoke to the same effect as Hohua, and then Captain Luce addressed the meeting.

(Signed) JAMES FULLOON.

Monday, May 1st 1865.

Captain Luce, with Hohua Te Mokena and a large party of Natives started early in the morning from Te Kawa kawa for Te Mokena's place, Waiapu. On the coast we passed three or four settlements of King Natives, who were very civil to us, and even asked us to stay and have something to eat before we proceeded on our way, which somewhat surprised our party. As they say the King Natives never before invited them to stay and have some refreshments, they attributed it to the fact of the man-of-war coming on the coast. One old chief was particularly civil, named Paora Pokaia, at Trokaka (Te Tapuae o Rongokako). He bid us welcome, and see the coast and people. He was very sorry that there was trouble in the country; but he said it was not the Governor's fault. The Governor never sought for it amongst them. They (the Natives) sought it, and they got their reward. He had no pity on them. (This old man had lost 15 men at Tauranga, and was very desirous of joining the Government side). However, we did not stay, but pushed on to Te Wikiriwhio, where we had a late breakfast, after which we proceeded on our way to Waiapu, where we arrived in the afternoon, and were received with war dancing, &c. In the evening the runanga came, and had a "korero."

Aperahuma Patutahi.—Welcome, &c. There is only one thing that we desire and we are anxious for, and that is, arms and ammunition. We require it for our protection and for self-defence. We have no other desire. My reason for asking is, that we are surrounded by danger. Danger is on every side of us. I first applied to Mr. Baker, then to Mr. White, and now I apply to you. Our letters have gone with Mr. White. Comply with our request.

Rihari Paipa.—I am surrounded by danger, and have not the means of defending myself. I wish for arms and ammunition. I also want soldiers; not 30 or 40, but 100 or more.

Piripi Te Kawe.—My words are the same as the others. Send me some soldiers. Send me 500 and up to 1,000. I first applied to Mr. Baker, then to Mr. White, and now to you, O captain.

Captain Luce then addressed the meeting.

Hemi Kepe.—We want arms and ammunition; we also want soldiers. We want a great number of them. There is plenty of land for them to dwell on. This is Waiapu, and it is yours. I want soldiers here, as I am afraid of the King Natives.

Hoani Ngatai.—Give us three things that we desire (arms, ammunition, and soldiers). We are very anxious for these things. We want to find out why our hands have been tied for the last 20 years or more. Why we have been told to live quietly here, when there has been fighting going on elsewhere. Christianity has been here for more than 20 years, and has it succeeded in putting down the war. If you do not consent to our application, we will persevere, even until death. We are in great dread of the King's Natives, and also of the Hauhaus.

Hoera.—Formerly I dwelt in darkness, but through Christianity I was enlightened; not quite enlightened, but partially. Now I am in darkness again. I am enveloped in a fog, and darkness surrounds me; therefore, I ask for something to my heart, to enlighten me with. I want arms and ammunition. After that I want soldiers. Soldiers to protect me with.

Haie Poai.—It is 24 years since I adopted Christianity; and now the Governor for the first time sends his representative to me. I have been constantly to my friends who with the King party, to persuade them to come back, but without success. They would not heed me. On the 26th April our Minister (Mohi Turei) came back from Turanga, and he wanted to go and see the King party, with a message from Wi Tako. But they prohibited him from going amongst them. I am desirous that a Resident Magistrate should be appointed to this place, to fill the vacancy caused by the loss of Mr. White. Next, I want arms and ammunition.

Peta.—We are constantly being threatened on all sides. North and South have always threatened us. We have always been very forbearing towards them, and with great difficulty have managed to keep the peace. Therefore we ask for arms, and then for soldiers. Not for us to look at or for our amusement, but fight the Rings Natives and the Pai Marires. As it has taken root here, murder will soon begin. Send us the arms directly. Do not delay.

Erpinih.—We are greatly troubled and annoyed. First, the King partly surrounded us; now, the Pai Mariris have stepped in. We are like cattle that are enclosed and cannot get out. Murdering will soon take place; therefore we apply for arms and ammunition and for soldiers. A little while ago we heard that the "Tui" (Pai Mariris) was coming here from Poverty Bay. We all turned out; there were 500 of us. We all had guns but very few percussion caps. We could only make a demonstration. Hau Paibia—(of Kakariki) There are two kinds of people in our Pa. Some are Queenites and some are Kingites. These are my words to the Governor, and do you convey them to him. Friend the Governor, We are now living in great fear in our Pa. Formerly we were not afraid when we were of one mind even when some became Kingites we were not afraid, but since the murder of the Rev Mr. Volkner, we are afraid. Especially that the Hawhaus have come near us. They delight in murder. This is our word to you. Send us some guns for Kakariki and also some ammunition. Let there be plenty of powder and caps, "Whom if his son ask bread will he give him a stone."

Timo.—Here is what we have been considering to night, as you have come here from the Governor. When Mr Volkner was murdered our minds were very dark. Then we heard that the "Tui" was coming here. We turned out, but they did not come. If they had come we would have taken them, and

our minds would have been clear. Now the Kingites are quite near us. From the commencement they have threatened to kill us. Even now they have threatened us again, therefore our request for arms and ammunition and for 1,000 soldiers. If this was granted, I am sure they will submit quietly.

Mohi Wharepoto.—Welcome O friend; welcome Captain Luce; welcome Friend of the Governor. Great is our sorrow and darkness of mind on account of Mr White who had so lately left us. Great is also our sorrow and anger for the murder of Mr Volkner. When Mr White was here we discussed the same subject with him as we are now doing. We are desirous that arms and ammunition should be given to us. When we heard that the Pai Mariris were coming here from Poverty Bay, we all turned out to the number of 500 men. We went to Waikawa, and there waited one week, but they did not come. If they had, we would have taken them prisoners and sent them up to Auckland by the first vessel. We were all armed with guns but very few had percussion caps. This is our great danger, the want of caps, for if the Kingites came to fight us, we could be unable to hold out we could only point our guns at them, and could not fire them.

Awaru Teretore.—The commencement of the law was at Tane-te-Waiora. Christianity was also first established in that Pa, and the two thrived. We then asked for a magistrate to come and live with us. Mr. Baker came, then Mr. White, but now he has gone, and we are again left to ourselves. He had our letters to the Governor, but they are gone with him. And now we ask you, Captain Luce, to convey these words of ours to the Governor.

Te Warihi.—Hohoro mai e te hou e! Kawaka e Whakarou; ara ka turna ta te Popokerna, &c.

The runanga then broke up.

Te Mokena in conversation said, that previous to Her Majesty's Ship "Esk's" visit to Hick's Bay the King Natives on the coast were very annoying; they built a fence to prevent people from passing up and down the coast. It was first put up to prevent Mr. Baker from passing. Whenever they wanted to travel they always went in a large party. As for being invited to have something to eat was quite out of the question. But now for the first time they have said, "Te Mokena, come and eat;" but I would not. I am glad that you have come here; it has frightened them; and they not quite feel secure; as they see now that a man-of-war can come and go without their being in a position to prevent it. I would be glad if they could be driven away altogether. You have heard what my runanga have expressed their views. It is the desire of my people, of 700 men, they are ready to obey the Governor's word. If the Governor wants me to go to Opotiki, I am ready. There was a talk here that the Kingites were going to Maketu. If they attempt it I will accompany to Hick's Bay, and when I get there I shall ask them to return. If they refuse, I will compel them; fighting shall take place. I have made my mind to this. I have heard what we did when we heard that the Hauhaus were coming here; I was ready then to fight. I am anxious to settle these Kingites. I was hard pushed by them one time. I will at them yet. We are very sorry for Mr. White; he was a good man; a patient man; everybody liked him; even the Kingites. Although when he first came they threatened to kill him, and forbade him from visiting them, before he left they were constantly referring cases for him to settle; cases that they could not settle themselves. Even now the King Natives are very sorry that he has gone. If he had lived they would in time have come round. I had made some arrangements with Mr. White. It is all lost now. We had arranged for a schoolmaster to come and teach our children; for a doctor; for a blacksmith; and a shoemaker.

Our plan was; first, the school; the house and fencing were to be done by us. Ploughing and sowing was ours. Harvesting ours. The boys of the school could keep the grounds in order between the sowing and harvest time. By this arrangement the school would support itself. Second, the doctor; we would find him with a house, and we would pay him 70*l.* per annum. Some would be subscribed in money; those that had no money would subscribe in wheat, maize, pigs, horses, and cattle, which of course would realize cash. The old and poorest would contribute potatoes and other things that would come in useful in the house. Third, the blacksmith and shoemaker; we will find them houses to live in, but they must earn their living by their trades. There is plenty of work for them.

I am very desirous that these things should be established to benefit my people. I would also like to have an agent in Auckland to sell our produce for us, and to do all our business for us. We will ask the Governor to appoint one for us. I hope the Governor will soon send us another magistrate as good as Mr. White.

I would like to receive the Governor's answer soon. If you would give two friends a passage in your vessel, they would be able to receive the Governor's answer, and also to press the matter personally, and be able to talk about general matters. I would like Te Wikiriwhi Te Mateha and Hotene Tuoi to go up with you. I would also like to go to Poverty Bay with you, and I will return overland. I have to do along the coast.

(Signed) JAMES FULLOON.

NOTES of SPEAKERS at Meeting held at Te Whakato, Poverty Bay, by the Rangowhakanta Tribe, to Captain Luce, H.M.S. "Esk," May 4th, 1865.

Eraihia Te Kotuka.—Welcome, Te Mokena; welcome, Captain; welcome, Te Mokena. Twice have you brought the Pakeha here. You have again brought your "kopum" (seed potatoe). You brought Mr. White here; now you bring the Captain of the man-of-war. Welcome, Pakeha; you are not the first to come to us. There is a Minister (Archdeacon Williams). There was a Bishop. We were called Christians. Welcome. It was you Europeans that brought Christianity to us. We are still Christians. Do you hearken? We are neutrals. This place is called "Turanga Whakaheke ponnamu" (Turanga, the great receiver of green stone). It is not of this place, but belongs to the Middle Island. It was brought to Wairarapa; then to this place. As with the Hau hau, it did not

emanate from this place; it came here, and I took hold of it, and examined it; after which I cast it off.

Pera Titongi.—Welcome, Captain; welcome from our mother; welcome, and see the people and things of Turanga. Here we are a neutral people; a people set apart for that purpose; they will not depart from it. You heard that we were Hau haus; it is not true; we are not Hau haus. Welcome from afar.

Matenga Te Maioria. Welcome, Captain, and listen to the talk of Turanga. Welcome; we are living peaceably, and we are neutrals. Welcome, Te Mokena, with your Pakeha friend. Welcome. We are living peaceably. We are not rash (or, we will not commit ourselves either one way or the other). We are listening to the talk (of other people), but do not heed them. Haeo Tuu o Manaia. "E kone i a nei te riri e mahautia."

Welcome, Captain; welcome, Pakeha, to Turanga, and to its people to Rongowhakaata. Come, and inquire into my conduct. I do not believe in any false gods, or any other religion than the true one and the true God. I am living in peace (I am neutral). Behold! there is my Governor (pointing to Heaven). Welcome. Is your love true? If so, I am for you. Consent, and make peace with the whole of the island, then will I be for you.

Te Wiremu Kirihi.—Welcome, Te Mokena and Te Wikiriwhi; welcome, with your Pakeha friend. Hearken to my words; I am still holding on to my God, and he is my Governor. Welcome, Pakeha. My desire is that the Governor should come here; bring him here.

Rawiri Tamairiao.—Welcome; I am for the Governor. My word has gone amongst the tribes. I was for the union of the races, but other tribes did evil, and they have suffered. The Ngaiterangi, Waikato, Taranaki, Ngatiruanui, Whanganui, Te Noemu, and Ngatiporouhi have all suffered. Welcome; Te Mokena. I have not wavered; I have not turned from one side to the other. Hearken! a cask of powder from this place was taken to Te Wairao; we sent for it, and had it brought back.

Rev. Mr. Volkner was killed, and Mr. Grace held as prisoner. I went there also.

Pita Ngunga. Welcome, &c. I am holding on to my faith, and holding fast to my Governor. My religion is the Governor.

Tamati Hapimana Te Rangituawaru. Welcome, Te Mokena; welcome, with your Pakeha. You came with the other (Mr. White), but he has gone. "Kawaka au e ononku, &c." Welcome, Te Mokena. We are at the Kohimarama Conference. I have remained true to my faith. We heard the kind words of the Pakeha; we still hear it. All the chiefs in New Zealand were there (Kohimarama). We heard what Te Hapuku said, that he would be quiet until he was slapped in the face. We all approved of it; but tribes have seceded. I hear that some of the Waiapu natives took their powder (went to the war); you (Te Mokena) was not strong enough to keep it back, but I was. I did allow any to be taken from this place. When they took a cask of powder from this place to Te Wairoa, I went and brought it back, thus proving my love for our Pakehas. You want me to be on the Governor's side; I am that. Do I not pray to the Governor's God? When you came with Mr. White I asked him if he had come to make me a Governor's man? He said, No; he had come to listen to what we had to say. Welcome, my son (Mr. Fulloon); welcome, then, servant of the Governors; come, and examine my conduct. Behold! I am a Governor's man. The very clothes that I wear are yours; my very ideas are yours. I have no strength for evil; I have not done anything. I did not drive the Bishop away; he ran away. I did not send him away. I did not send for or invite the taranakio (murderers) to come here. When they came, I said they were not to come. Welcome, my son, welcome. Hearken! Return to Auckland, and let the Governor come here; let him come directly.

Wiremu Kingi Paia.—Welcome, Captain; welcome, Ngatiponu (Te Mokena, Te Wikiriwhi, and Hotene Tuir); welcome, Ngatiawa (Mr. Fulloon); welcome, Te Mokena; welcome, our son. If your visit is that of good, welcome on your work of good, and welcome in our faith. Here I am still holding on to my faith. Go to your side (Te Mokena); remain, remain to your side. I will hold on to mine (neutral). Welcome, life; welcome, my cousin. Hearken. Make peace with the whole island, that the Maories may live; make peace, make peace. Welcome with our son. My hands are not stained with blood, behold they are clean, and not stained. That mad person (the Pai Mariri) came here, and made me foolish. But I did not do anything (wrong), nor did I commit myself. This is my word: To live in peace; to protect the Pakeha; to live peaceably together; to grow up together, and they (the Pakeha) to be our protectors. I am a man of the Governor's. Am I not living quietly? I will not now consent to be a Governor's man (will not commit himself by an immediate declaration). I am not a man of consequence, and I am living peaceably. I am neutral. Bring the words that I may hear. If I join the Hau haus there is evil; if I join the Governor there would be evil; therefore I remain neutral.

Rutere.—Welcome, my cousin, Te Wikiriwhi; welcome, with your friend the Pakeha; welcome, Captain. "No mua te painga no te Watehitanga, Ke taka mai ki mari e tuki Wai onma hau he mananhea ra ka Whakapaituki au." Welcome. Bring the Governor here; bring him to this place. Examine the conduct of this people. Behold! There is a fault. Behold our canoe. Takitunni is broken! not a slight crack, but a great split. The canoe is broken, broken. (An old man, Paira Te Arawheriki, indignantly sang out from the crowd, No, no, it is not broken; the canoe is not broken. That will do; leave off, &c.) I repeat the canoe is broken; when I returned I found the canoe broken! Welcome, and bring life. There is yet the dust that was stirred up by your (Te Mokena) feet in that house when you were here last. They (Rongowhakaata) say that we have done no wrong yet. Behold the King's flag; behold the Hau hau's. I will not act rashly, but I shall be slow (will not declare myself at once on the side of the Government). Welcome, Captain of the man-of-war, the Governor's representative, and examine the conduct of this people. Do not imagine that I shall bow to that flag (pointing to the English ensign which was flying over the house above us). No, I will not; but do you return, and take that thing away, and when you get to Auckland

return again with the Governor; return immediately when you arrive. Do not remain an hour; make haste. If you are away some time I will endeavour to suppress the Hau hau, and get them back to our faith.

Te Mokena Kowhere then addressed the meeting, and urged them at once to join the Governor's side. It was no use their saying, Wait. They had better do so at once.

Paira Kate.—Welcome, Captain Luce; welcome, if you are sent by the Governor to see the people. If you want to hear the speeches, welcome, and listen. Or do you come with healing medicine? Do you come to make us Government people? Here are we praying to the same supreme Governor. We are neutral. The Governor is fighting in different parts, but it is their (the Natives) fault. Harken to my word, You will not succeed in turning this people to your side, but do you return, and bring the Governor and the Bishop here, then will we turn to you. We will not bow the knee to you; but we and our chiefs will bow our knees to the Governor and Bishop, he that ran away from here, from this children's work (Hau hau). I was deserted, and left alone, but I have returned again to my faith. Te Wikiriwhi Te Mateha (Ngatiporon, addressing the meeting), "Kaore hokiete aroha, ki taku Matua Ri a Te Waite e i! Tikina Mai Tirohia, tenei ka piri ki te papa, raro o Humu Humu e i, &c."

Salutations to you, O people and friends that have remained true to your faith (turning and looking inland); salutations to you that have gone to the mountains and into the woods, following that false and lying God. Salutations to you. Harken ye people. Return; return on board your canoe. Turanga Turanga is the place, and Rongowhakaata its people. Turanga was not associated with the name of Te Itanga-a Mahaki. Leave their false God to them. Waiapu was not associated with the name of Ngaitawera, but it is with that of Ngatiponu. But mind you, Ngatiponu were divided; one part listened to the word, the rest did not. They were like a dog which when it scents the odour of another man's hangi (Maori oven) of meat, it goes to it. The Ngatiponu did so; they went. Where are they? They lie at Tauranga and at Te Kaokaorou (Te Matata). They were not buried amongst their ancestors or in the country of their forefathers. They are buried in a stranger's country, to enrich the soil for pumpkins for the Ngaiterangi and the Ngatiawa. They would not listen to the word, so they reaped their reward. Such is the end of evil doers. But Ngatiponu that did listen to the word will do that which is said in Scripture; They shall dwell in the land.

The Bishop's letter was then read, after which Captain Luce addressed the meeting.

Mr. J. Fulloon.—I have very little to say. What can I say? You have heard the Governor's words; they are not new; they are old, even from the beginning. Their advice to you is, follow the Governor's advice. Some time since, Waikato said, the only way to save the Maori people and New Zealand was by means of the King. You know what the Governor said. Mark the result. Waikato has been driven out, and their country taken from them. The people of Waikato now are white men. There is Tauranga; that has gone through the King. The Maories then set up a new thing, a mad and foolish fanaticism, by adopting which they said that the Pakehas would be driven into the sea, and New Zealand recovered to the Natives. Behold the fruits that it has brought forward. Whanganui has gone; Ngatronanui is gone. The whole country has been taken; the people has been driven out, and are now living in the mountains. A great many of them has been killed, although they did sing out "E Kron e Pai Marire, Hau hau." Your great prophet, Te Ua on Honopapeon, as you call him, is now suing for peace (pua tangi ia). The head of this thing has been broken, and yet you receive it with open arms! You all have said that you will be neutral, remain so. I will remember it. Mind that you do not depart from it. If you should do so you will surely get the worst of it. Adhere to those words of yours, for I am watching you.

Hotene Turei (Ngatiponu, addressing the meeting).—These are my words to you, Rongowhakaata, You heard that that band of Hau haus had murdered Mr. Volkner, and yet you received them. You also heard that they were going to Waiapu, but you did not let them come on. You warned them not to do so; it was you that told them to return. Why did you not let them come on? For they were coming to kill us. If they had come I would have finished them. When I heard that they were coming to us, we gathered together, and we went to Waikawa (Open Bay), and there we waited for one Week. There were 500 of us.

Henare (Potae) had 200 at Anana waiting for them. Why did you not wait until we had been killed before you listened to their God? If they had succeeded in killing us, then you might have believed in it. You should not have jumped at it at once, before you knew whether it was a true God or not. It was you that saved them. You should have let them come on to us, and we would have settled them (the speaker was here interrupted, and told that the reason that they sent the Hau haus back was that they might proceed by the road that had been used as a war path, by the road that the Ngatiponu had used when they went to fight the Pakehas. They would not allow them to go through Turanga, as it was a neutral place, and had not been crossed by war parties). They came for the purpose of attacking us, and you should have allowed them to come on. It was you that saved them.

Rakaruhi Rukupo (Hau-hau, a convert). It was the Bishop's fault that the Hau haus had been received by the Rongowhakaata. He (the Bishop) said to them that the Pai Marire should be received by them. They (the Natives) wanted to prevent them from coming amongst them to Turanga; they would have done so but for the Bishop. Then when they did come he ran away. It was true that some of them had taken to it:—When the Hau-haus came here from Te Wairoa, we would not allow them to come amongst us; we sent them back by the way they came; we wanted to do the same to those that came from Apotiki, but the Bishop would not let us. The Governor advises us to live peaceably at home; it is well, and yet he is fighting against some of the Maories. As long as there was war in New Zealand the Natives would sympathise with their countrymen. When the bow

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of the canoe is split, it is repaired at once, or else it will split along the whole length of the canoe; so with New Zealand, as long as there is war the Natives will always be agitated by it. If a person has a little sore, ever so small, the whole body will feel it. My word to the Governor is to make peace with the whole of the Natives, and cease his fighting. Although he has been victorious he will meet with a reverse if he continues. His sword is sharp; but it will not prevail against God's. God will be angry if he does not make peace. If he does not hasten to make peace the Lord will punish him. Let him not think of his victories. All the islands, and the whole world, is dwelling in light; but New Zealand is the only place dwelling in darkness. A great fog hangs over this island. This is my word, the Governor should drive this fog away, and cause light to shine in this land. You have heard our desire of remaining here quietly. We will do so. We never sought the King, neither did we go to the war. It has been said that Waikato has been driven away, and their country taken away from them, and that Whanganui has also been taken; that is true enough; but the statement that Te Ua is in the mountains is false. Te Ua is not yet defeated. Let the Governor make peace at once. (Mr. Fulloon.) The Governor has always been anxious to make peace; do you persuade the Natives to make peace.

Kerehona (!) of the Waerengahika College, then got up, and explained the Bishop's conduct in reference to the Hau haus. He said that it was the runanga that proposed that the Hau haus should be allowed to come to Waerengahika, in hopes of being able to do something to rescue the Reverend Mr. Grace. It was not, as Raharuhi said, that it was the Bishop that proposed they should be allowed to come. It was the chiefs of Turanga.

Archdeacon Williams then addressed the meeting, and entered into the details of the Hau haus visit, and the action of the runangas, and they altogether deserted the Bishop, and received them with open arms and joined them, in their foolish work. (Rahambi and two or three others admitted that the Archdeacons statement was correct.)

Wi Pere (of Waerengahika).—Welcome, Pakeha; welcome, captain of the man-of-war. Hearken, I am alone, and what I am going to say is for myself. I cannot speak for anybody, because the whole of my tribe has gone into the bush after that foolish and false God. I am alone; at least there are those three men with me. I am anxious to join the Government side, but not just now. I will not be hasty. I am desirous of saving some of my friends and relations. After you are gone, I shall go to work, and try and recover my people. Should I be able to get one a day I shall be satisfied. This is a good work. Although my people have left me, my love is great for them. They are my relations. But for all that I won't go over to their side. I will remain where I am, and in the event of anything taking place or threatening, then will I come over at once and join your side. When I am seen amongst you then know that something is near. I will not declare myself now. For if I did I would not be able to persuade any of my people to come back, because the name Governor is a bugbear to them, and rouses their anger. Be satisfied that I am on your side.

Rutene (read a portion of the Bishop's letter; that part that stated, that the Governor had expressed to him his desire of visiting Poverty Bay, and his advice not to do so, but to send a man-of-war down and see the Natives, and if they then invited the Governor it would be clear.)

You hear what the bishop says in his letter. The Governor is desirous of coming. We are anxious that he should come. We all agree in saying, let the Governor come, that he may see and hear what we have to say. We cannot say what will be done when he comes; but certainly food will be placed before him. I cannot tell what kind of food will be given to him. But you know what kind of food Maori food is like. It is not like the Pakehas. We bid the Governor welcome. He has never been to see us. Why is it that he has not been here? Is it because we are "tu-tu is"? or are we beneath his notice? We say, come and see these his children. As you cannot wait, give him our message. We would have written to him, but as you cannot wait you can tell him. Do not be long away; make haste.

Wiremu Kingi Paia. Hearken to my word. The Governor is desirous of seeing us. We are desirous that he should come, that I might see his face, that he also might see my face. This is my word, let him come here; come to Turanga. Why has he not been here? to this quiet and peaceable place! He has visited every other place but this. Are they the only men in New Zealand? Look at his people, Waikato. He used to visit them, and see how they have treated him. But peaceable and quiet Turanga he has not visited. Welcome, O Governor, to Turanga, and to its people.

Captain Luce (as some of the Natives began moving about) then said, I have heard enough. I heard many excuses for what have passed, but few promises for the future. My last word of advice to you is to remain quiet and peaceable, and I trust to time to bring all back on our side. I will report to the Governor what I have heard and seen, and he will judge what is best for him to do, whether to come to you, or to wait for more settled times; and that as it was getting late he wished to tell them that he would report to the Governor all that he had seen and heard. It remained entirely with the Governor whether he would come or not. If he did, he hoped to have the pleasure of bringing him down. He then wished the chiefs good-bye, and the meeting ended.

Memo.—Two or three of the speakers stated that Mr. Rice had asked them to arrest the Hau-haus (murderers) when they arrived from Opotiki, but they declined, as Turanga was a neutral place. They said that they should send them back to Opotiki when they came, and then they could be arrested where their crime was committed. It was for the Governor and the Pakehas to arrest them.

(Signed) JAMES FULLON.

SIR,

Government House, Auckland, May 18, 1865.

It being very desirable that further information should be obtained regarding the place where the principals in the murder of the late Mr. Volkner are now residing, I have the honour to request

that you would allow one of Her Majesty's vessels, under your command, to receive on board Mr. Fulloon, the interpreter, and the Native Chief Tiwai, and order that the vessel you may send should proceed to Opotiki, for the purpose of holding communication with the Natives there, and that she should also call at the other places in the Bay of Plenty named in the margin, if the officer in command sees reason to think that a communication with the Natives at those places may conduce to the apprehension of any of the persons implicated in the murder of Mr Volkner..

I have, &c.
(Signed) G. GREY.

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No. 24.

No. 24.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 73.)
SIR,

Government House, Auckland, May 23, 1865,
(Received August 15, 1865.)
(Answered, No. 70, August 26, 1865, page 228.)

I YESTERDAY received a letter from Lieut.-General Sir D. Cameron, in which he states as follows:—

“It is my duty to furnish the Secretary of State for War with any information that I think may be useful to Her Majesty's Government regarding the management of affairs in the Colony, as far as they relate to the manner in which the troops are employed. In these confidential communications I always state my opinions unreservedly, although they may occasionally be unfavourable to your Excellency and the Colonial Ministers. I shall continue to do so; and I know of no regulation which requires the Officer commanding the troops in a Colony to furnish the Governor of that Colony with copies of the official or private letters which he addresses to the Secretary of State for War. To do so in this Colony whilst under your Excellency's Government would evidently be to communicate the contents of his letters to the Colonial Ministers, and through them to the whole Colony.”

2. The power thus exercised by Sir D. Cameron, and which he states he continues to exercise, is to make confidential communications to Her Majesty's Government, in which he unreservedly states his opinions, although they be unfavourable to myself and my Ministers, regarding our management of affairs in the Colony, as far as they relate to the manner in which the troops are employed.

3. I find it difficult to believe that Her Majesty's Government have entrusted such powers to any officer, or that they have received from him secret reports unfavourable to my management of affairs in this Colony, without acquainting me with them, which they have never yet done; but as Sir D. Cameron alleges that such is the case, I beg to be permitted to state my objections to the adoption of the course he says he has followed, and intends to continue.

4. Firstly, I would state that it was never proposed to me to exercise such a power in relation to Sir D. Cameron, nor would I for a single hour have held my office subject to the condition of making such confidential communications regarding him. No one knows better than yourself that I have never privately or publicly made any communication unfavourable to him to Her Majesty's Government. The only case in which I ever even brought a difference of opinion between us under your notice was in my Despatches No. *53 and No. *54 of the 27th ultimo, in answer to complaints he had previously sent home against me. Those two Despatches I immediately communicated to Sir D. Cameron before I sent them to you. To give him therefore a power in relation to the Governor of this Colony, which the Governor neither possesses nor would exercise in relation to the General, is to place the Governor in an unfair position.

5. Secondly, to give an officer the power of making confidential reports to Her Majesty's Government unfavourable to his superior is almost certain to render the officer possessing this secret irresponsible power over his superior, overbearing to that superior, to prejudice him against him, to prevent him from regarding him as really being in any respect his superior officer; and as the fact of the junior exercising this power, or claiming to exercise it in relation to his superior, is certain to become known in the Colony, it must irretrievably damage the position of the Governor and weaken his influence.

6. Thirdly, the public service can in no way be promoted by such a proceeding. It is impossible but that opinions unfavourable to a high public servant, being from time to time forwarded to Her Majesty's Government in secret and confidential communications from another high public servant, must prejudice by degrees the minds of Her Majesty's Ministers against the former, and weaken their confidence in him. The more generously he acts towards his secret censor, the more he suppresses all mention of his mistakes and shortcomings, and brings his merits into notice; the more the superior officer is damaging

* Pages 43 and
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himself, and adding weight and intensity to secret statements unfavourable to himself, of which he knows nothing.

7. Again, if there is anything in the management of affairs in this country which is injurious either to the Imperial interests or to the troops, surely it should be remedied at once. The Governor should be at once acquainted with it. He should not keep it secret from his Ministers, but communicate it to them, and require an alteration in the proceedings objected to. If, on the other hand, the General Officer was wrong, and no alteration was required, then he would be told so, as well as the reasons on which this conclusion was formed, and he could openly refer the question for the decision of Her Majesty's Government. Secretly to report unfavourably to Her Majesty's Government of the Governor and his Ministers regarding the management of affairs in this country is neither to get anything wrong remedied, nor to attempt to get it remedied, but rather to paralyze the action of Her Majesty's Government who could hardly interfere with energy and confidence on a secret report, to get what was wrong put right; and to create unjustly an unfavourable impression against men, who are ignorant of what is taking place, and who are shut out from all means of explanation. Thus such a proceeding is in itself unjust and unfair, and opposed alike to the public interests and to individual rights.

8. To say that the result of letting the Governor know that such unfavourable statements against himself and his Ministers had been confidentially made to Her Majesty's Government would be to let the Colonial Ministers know them, and through them the whole Colony, seems to be no answer to the objections against such proceedings.

9. If the unfavourable statements are true, and what was wrong was being done by the Governor and his Ministers, it would be a shameful libel upon the Colony and the General Assembly to say that they would not insist upon alteration being at once made in the proceedings complained of. They would have every reason to do so. First, the sense of what is right, then the knowledge that they are altogether dependent upon Great Britain for assistance, and that by the British nation their proceedings must be judged and scrutinized. The more public their wrong proceedings were made the more certainly would they be speedily put a stop to.

10. It would appear that a reasonable check upon unfavourable reflections being unfairly and unnecessarily made upon the Governor and his Ministers, regarding the management of affairs in this Colony, would be that such complaints should be openly and fairly made, otherwise their standing with Her Majesty's Government will depend entirely upon the temper, judgment, and self-control of an irresponsible person, against whom they seem to be entirely without protection.

11. Many other obvious arguments of equal force could be used against the course which Sir D. Cameron says he has pursued in this respect, and as he says he intends to continue to pursue it, I trust that he may be directed at once to desist from making confidential communications to Her Majesty's Government, unfavourable to myself and my Ministers regarding the management of affairs in this Colony, and that he may be directed to forward all such communications openly through me.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 25.

No. 25.

Copy of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 74.)

Government House, Auckland, May 24, 1865.

(Received August 15, 1865.)

(Answered, No. 70, August 26, 1865, page 228.)

Statement by
Aporo, Auck-
land, April 24,
1865

SIR,

I HAVE the honour to transmit notes of the substance of a message I have received from Matutaera, the lately so called Maori King, and from Rewi, the principal leader of the rebel Natives, from which I think there is little doubt that they intend to return to their allegiance.

2. I have within the last few days received from an authentic source further information which strengthens my opinion that they are sincere in their desire to return to friendly relations with the Government.

3. You will observe that Mr. George Graham is the person Matutaera and Rewi expressed a desire to see. In compliance with their wishes I have allowed that gentleman to visit them, as is shown in the enclosed correspondence, and in a few days I shall hear the result of his visit.

4. A letter dated the 10th of March from Hori Te Waru, another of the Rebel leaders, only reached me three days ago. He was an old and attached friend of mine

Mr. G. Graham
to Major Atkin-
son, Auckland,
May 3, 1865.
Mr. Thatche to
Mr. Graham,
May 9, 1865.
Hori Te Waru
to Sir G. Grey,
Kakarawea,
Mar. 10, 1865.

in former years. He has returned to his allegiance, and his letter has made me resolve to proceed at once to Kawhia, there to see the principal rebel chiefs. I propose to sail for that place as soon as H.M.S. "Eclipse" returns from Opotiki.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

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Sir G. Grey to
Hori Te Waru,
Auckland,
May 23, 1865.

Enclosure 1 in No. 25.

Encl. 1 in
No. 25.

STATEMENT of APORO KOTIKOTIKI to his Excellency Sir G. GREY, K.C.B., at Government House, Auckland, April 24, 1865.

HEARING in the early part of January last that the soldiers were going to Kawhai in the steamers, I proceeded to Whaingaroa for the purpose of going to Hangatiki to urge upon the Natives not to attack them if the steamer should go to Kawhia, but rather to go and trade with them. On the 20th January I sent a letter to Te Wetini, Te Waitere, to Rewi, and all the chiefs, requesting them to meet me at Hangatiki. On the 23d I myself arrived there accompanied by Anatipa. I found Te Waitere, Te Wetini, Porokoru, Toma, and about 300 men assembled there. After they had gone through the Pai Marire worship, I went up to the "hiu" (flagstaff round which they go through their ceremonies), and said to them, "Harken ye children of Israel, there is but one God, the Lord Jehovah, do not think that the Governor derives his power from himself; it is from God. See the Philistines believed in their own strength, and yet the children of Israel were given over to them by the Lord. But now O people, do not take the name of the Lord in vain. From whence came this? (laying his hand on the hiu). Te Wetene answered "from trouble" (mate). "What is it to you?" "It is my sackcloth" (kahu tara tara). If such is the case I do not find fault with it, for such is the conduct of those who are in trouble. Rewi being the great spirit of the Ngatimaniapoto was sent for, and he arrived on the 2d February. I said to him "Rewi, why did you not obey the Governor's letter, and send him your guns when he asked you for them. If I had been here I would have hastened to obey him. You should have returned him those things for they originally came from him." I further said to him, "What about your hand and the Governor's hand holding each other's heads?" His answer was, "When I actually behold the man to unfasten our hands then will I put my sword down. I will let you be the bearer of my word. Return and fetch a person from the Governor's runanga; bring him here, and then the correctness of the word will be seen" i.e. the taking down of the sword. I then said "Let that word be sacred."

Rewi and Matutaera named Mr. George Graham as the person they would like to see.

Shortly after news were received of the murder of the Rev. Mr. Volkner, and I heard it rumoured that it was Rewi's doing. I immediately went to Kawhia and saw Rewi. I charged him with acting treacherously with me. He answered he had not, but that he was patiently waiting for an answer to his word, and told me to return again for the answer.

(Signed) JAMES FULLOON,
Interpreter.

Enclosure 2 in No. 25.

Encl. 2 in
No. 25.

SIR,

Cliff, Hobson Street, Auckland, May 3, 1865.

I HAVE the honour to inform you that I intend to go into the interior of this province in a few days, and that I expect to meet Wm. Thompson, and some other Waikato chiefs that have been in arms against us.

I believe that I can persuade them to lay down their arms, and take the oath of allegiance.

I know that Thompson and some other chiefs of the Lower Waikato fear to come in before any officer of the Government, believing that if they do so they will be made prisoners. Can you authorize me to assure them or any one of them, that if they wish for an interview for the purpose of making peace that their personal liberty shall be respected?

The Hon. Major Atkinson, Minister of Defence,
&c. &c. &c.

I have, &c.
(Signed) GEO. GRAHAM.

Enclosure 3 in No. 25.

Encl. 3 in
No. 25.

SIR,

Private Secretary's Office, Auckland May 9, 1865.

HIS Excellency the Governor, having been informed that there is a desire on the part of some of the Natives of Waikato who have recently been in arms against us that you should visit them, in order to communicate to them the Governor's Proclamation of the 17th December last, desires me to inform you that he approves of your visiting them, and begs that you will take that opportunity of bringing prominently before them the following passage in his letter addressed to Pene Te Wharepu and other chiefs of Waikato on the 16th of December 1863 of which I have the honour to enclose you a copy. "If the chiefs of Waikato desire to know the line of conduct the Governor will pursue towards them for the future, if they now submit to the authority of the Government, the Governor will receive at Auckland any deputation of chiefs that they may send to him; such deputation shall be kindly received and in every way well-treated, and the Governor who always has, and still takes the greatest interest in their welfare, will fully explain to them the future intentions of the Government, and will hear any representations they may have to make, and they shall be allowed to return in peace to the place they came from."

NEW
ZEALAND.

His Excellency requests that you will further assure them again that he still continues to take as he always has done the greatest interest in their welfare, and that if they now give in their adhesion to the Government, they will be treated with generosity and kindness.

George Graham, Esq., &c., &c., &c.
Auckland.

I have, &c.
(Signed) FRED. THATCHER,
Priv. Sec.

Encl. 4 in
No. 25.

Enclosure 4 in No. 25.

FRIEND THE GOVERNOR,

Kakarama, March 10 1865.

SALUTATIONS, this is my letter that I write to you. Salutation. Listen, I have taken the oath of allegiance before the white man, Magistrate of Raglan. I have delivered myself up.

Because of my love to you I now write this letter to you. I wish much to see you that we may talk face to face. It is my wish if you are good enough to write to me; let us write (to each other), I have a great desire to see you.

My abode is at Kawhia along with Houe Te One of Wihikairo; a Government magistrate.

If you are willing write to me, I have a great desire to see you; both myself and Petera.

Friend, when this letter comes to you, write quickly back yours to me.

Enough,
From me HORI TE WARU to you.

Encl. 5 in
No. 25.

Enclosure 5 in No. 25.

FRIEND GEORGE,

Auckland, May 23, 1865.

GREETING. I have received your letter of the 10th March.

Friend I was much grieved the time you went to the other side; but now that you have expressed a wish to come back to me, I have a great desire to see you; I am very glad.

I am going some time hence to Kawhia, there we shall talk face to face.

To George Te Waru,
Aotea.

From your friend,
(Signed) G. GREY.
Governor.

No. 26.

No. 26.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 76.)

Government House, Auckland, May 30, 1865.

(Received August 15, 1865.)

(Answered No. 70, August 26, 1865, page 228).

SIR,

ADVERTING to my Despatch No. 74 of the 24th instant, in which I informed you that I had, in compliance with the wishes expressed by the so-called Maori King and other chiefs, assented to Mr. George Graham being the person to visit them on behalf of the Government to receive their submission, I have now the honour to enclose a copy of a Despatch which was received last night from Brigadier General Carey, reporting that Wm. Thompson had come before him, accompanied by Mr. Graham, and had made his own submission to the Government, as also that of the so-called Native King, which he was authorized to do.

2. I have no doubt that I shall in a few days be able to report to you that the war is virtually terminated in this part of New Zealand, and I have every hope that the example set by the leading rebel chiefs in this part of the Island will be followed shortly throughout the entire Colony.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. 1 in
No. 26.

Enclosure 1 in No. 26.

SIR,

Auckland May 29, 1865.

I HAVE the honour to forward the inclosed for your Excellency's information.

His Excellency Sir G. Grey Government House.
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON.
Lieut.-General.

SIR,

Camp Te Awamutu, May 28, 1865.

WITH reference to my letter of the 26th instant, I have the honour to state for the information of the Commander of the Forces, that I proceeded at daylight yesterday, accompanied by Major Tupper, A.D.C., Captain Brett, D.A.Q.M.G., and Captain Blewitt, 65th Regiment, to Tamahere, where the chief William Thompson had agreed to meet me.

Shortly after my arrival at that place Mr. George Graham rode in, and announced the approach of William Thompson and other chiefs of note, handing me a paper or covenant, in Thompson's handwriting (copy and translation herewith enclosed), which he the said Thompson and the chiefs were willing to sign in my presence under the British flag.

I then walked forward to meet Thompson, who, when he saw me, immediately dismounted and came rapidly towards me, uncovered. We shook hands. He then laid his taiha on the ground at my feet, in token of his submission to Her Majesty, and said he hoped I would accept it as his gun.

We then proceeded to the spot where the British flag was flying, where Thompson signed the covenant in the name of the King and himself, in which he was followed by the principal chiefs assembled, after which I attached my signature thereto.

The only requests made by Thompson were as follows:—

1st. That the Governor would appoint a Commissioner to inquire into his (Thompson's) character, which he affirmed had been much maligned.

2d. That he (Thompson) was most anxious to see the face of "tiu Tamihana" again, and hoped to do so soon.

3d. That I should let him (Thompson) know, as soon as possible, what the Governor thought of his submission.

I cannot conclude this letter without bringing to the notice of the Lieut.-General Commanding the Forces the very important services rendered to the country by Mr. George Graham, assisted by Mr Dehar, in bringing about this most momentous event.

I was given to understand that the chief Rewi would immediately tender his submission also.

The bearing of the chief Thompson on this occasion was particularly silent, and submissive in the extreme.

I have &c.,
(Signed) GEORGE JACKSON CAREY.
Brigadier-General.

[TERMS OF SUBMISSION.]

Kua whakaae matou ko te ture ma te Ingiki hei tiaki mo matou ake ake. Ko te tohu tenei o te maunga o te rongo ko te ku taenga atu ki te aroaro o toku hoa riri a Tienara Kare.

WILLIAM THOMPSON
TE WAHAROA.
TE REWITI.
HONE PAPAHEWA.
RIKI.
RIHIA.
PARATA.

Tamahere, May 27, 1865.

COPY of Translation of Terms of Submission of Native Chiefs, subscribed in the presence of Brigadier-General Carey, C.B.

We consent that the laws of the Queen be laws for the King (Maori), to be a protection for us all for ever and ever. This is the sign of making peace, my coming into the presence of my fighting friend General Carey.

Here follow the signatures:—

WILLIAM THOMPSON,
TE REWITI.
HONE.
RIKI.
RIHIA.
PARATA.

Tamahere, May 27, 1865.

(Signed) GEORGE J. CAREY,
Brigadier-General.

Thompson particularly requested that the term "hoa riri" should be taken as "fighting friend," and not as enemy.

(Signed) G. J. CAREY.
Brigadier-General.

No. 27.

No. 27.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 78.)

Government House, Auckland, May 30, 1865.

(Received August 15, 1865.)

(Answered, No. 67, August 24, 1865, page 228.)

SIR,

ADVERTING to my Despatch No. *72 of the 23d instant.

I have now the honour to transmit a copy of the letter of proceedings from Captain Fremantle of H.M.S. "Eclipse" in relation to his recent visit to the Bay of Plenty.

I have, &c.

The Right Hon. Edward Cardwell, M.P.

(Signed) G. GREY.

&c.

&c.

&c.

Capt. Luce to
Sir G. Grey,
"Esk,"
May 26, 1865.
* Page 96.

Enclosure in No. 27.

NEW
ZEALAND.H.M. Ship "Esk," Auckland, New Zealand,
May 26, 1865.

Enc. in No. 27. SIR,

IN compliance with your requisition of the 18th instant, I despatched Captain Fremantle in Her Majesty's Ship "Eclipse" to the Bay of Plenty. He returned this day, and I beg to forward for your information his letter of proceedings.

His Excellency Sir George Grey, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) J. P. LUCE, Captain.

LETTER OF PROCEEDINGS.

SIR,

H.M.S. "Eclipse," at Auckland, May 26, 1865.

SINCE leaving Auckland on the morning of the 19th instant, in compliance with your orders to act in any way that might conduce to the apprehension of any of the parties "implicated in the "murder" of Mr. Volkner, I have to inform you that we communicated with the following places in the order named; viz., Whakatane, Opotiki, Ohiwa, Wangaparawa, Rau-Ko-Kore, Te Raha, and Te Awanui.

The summary of the information we have gained is as follows: We have ascertained that Kereopa and a considerable body of Opotiki Natives under the Moho Moho is now inland of Ohewa in the Urewera country, en route to Taranaki, that Patera accompanied by about 20 Taranaki Natives, was at Rau Ko Kere, where I saw him on the 24th instant, but is now I trust on his return to Opotiki; that Eparaima, the half caste, who put the rope round Mr. Volkner's neck, was at Te Awanui yesterday, where he succeeded in escaping from our men, after being, as I believe, wounded, and that many of those more immediately concerned are still at Opotiki, where I trust that the result of our operations during the past week will have concentrated all those persons more immediately implicated in Mr. Volkner's murder.

I now proceed to give a detailed account of what occurred at each of the places I have named.

At Wakatene.—I landed with Mr. Fulloon on the morning of the 20th instant, and communicated with the chief Aponui, who gave us a good deal of information, and as an earnest of his good will in our cause his son accompanied us to

Opotiki.—We anchored off the bar there on the morning of the 21st instant, and landed the chief Tewai in the river at 3 p.m. We re-embarked him, having first pulled up the river and round the village, in doing which we were not molested; only two or three Natives met us either time, and their conduct, although not exactly hostile, was at least unfriendly.

Having ascertained through Tewai that several of those implicated in the murder were at the village of Penau, on the beach about one and half miles from the entrance of the river, I thought it would be possible to surprise them during the night. At 2 a.m. I landed in the river with a party of about 60 men, and we proceeded along the beach to our destination. On arriving at the village it seemed deserted, and at the same time several Maoris were observed to be watching us. Supposing that our design of a surprise was frustrated, I ordered a retreat, at the same time cautioning our advance and rear guards to scour the sand hills on our left to guard against an ambuscade. About half a mile from the boats, a portion of our advanced guard discovered some Natives behind a wood pile, who fired at them; their fire was immediately returned, and two Maoris fell; on our side Lance-corporal Cosker received a severe flesh wound in the arm. The enemy then disappeared, leaving a musket behind them. We have since heard that two chiefs were missing the next day; but neither that night, nor the next morning when I landed with Lieutenant Boughey to search for a revolver which had been dropped, could we find any bodies. After this skirmish we re-embarked without further molestation, and the next morning, having recovered the missing revolver, I left for

Okiwa—where Aponui's son wished to be landed. On sounding in going in and out, I found that at least two and half fathoms could be carried over the bar at high water, and that inside there is plenty of room. That evening we anchored off

Te Kaha—but as it was blowing fresh from the westward we were unable to land, and on the morning of the 24th proceeded to take shelter in

Wangaparawa.—An old whaler called Turner came off, and told us that Patera and about 20 Taranaki Natives was at Rau-ko-kore, only two or three miles off, intending to march to the East Cape in a few days. The next morning I landed with Mr. Fulloon, Lieutenant Boughey, one or two others, and accompanied by Turner, we walked up to

Rau-ko-kore—to communicate with the chief Te Hata, and see what could be done towards securing Patera. Te Hata promised to be at all events neutral, but was evidently rather afraid of Patera, who arrived in the course of the forenoon, surrounded by armed men, and wished to know what we wanted. Finding that it would be difficult to do anything with the small force at our disposal, we were obliged to be satisfied with insisting on Patera's return to Opotiki; and as Te Hata backed us up, he was obliged reluctantly to acquiesce, although he denied any complicity in the murder. Patera appeared quite prepared against a coup-de-main, and confident in his strength; he held a hunting whip under his arm, but had evidently a pocket pistol in each pocket. Finding that we could do no more at Rau-ko-kore, at 4 a.m. on the 25th I left for

Te Kaha—landed there at daylight, and saw the chief Cape, and hearing from him that William King was at Te Awanui, we went on there, and on William King's coming on board he told us that Eparaima, the half-caste, was living in a ware close to the beach. Tewai having volunteered to go and point him out, I got two of our seamen armed with revolvers to accompany him, disguised as Maoris, and they landed in a small boat, with orders to take him dead or alive. The ruse was

entirely successful, and Eparaima suspected nothing until one of our men took him by the hand; he succeeded in shaking himself clear, however, and although wounded, and grappled with by the other seaman afterwards, he succeeded in escaping. I landed immediately with a boat's crew, and we searched the bush for a long time, but without success. I am much vexed at his eluding us, but there were many women round him, which assisted his escape, and prevented our men from firing their revolvers effectively. He had ten shots fired at him, and had not the revolvers missed several times, he must have been killed.

We returned to Auckland at 2 p.m. to-day.

In conclusion, I beg to thank Mr. Fulloon for his zeal, and the assistance he rendered me on every occasion.

I have, &c.
(Signed) E. R. FREMANTLE, Commander.

No. 28.

No. 28.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 79.)

Government House, Auckland, June 6, 1865.

(Received August 15, 1865.)

(Acknowledged, No. 70, August 26, 1865, page 228.)

SIR,

I HAVE the honour to transmit for your information copies of two letters which I

Sir D. Cameron to Sir G. Grey, May 9, 1865.

Sir G. Grey in reply, May 12, 1865.

Sir D. Cameron to Sir G. Grey, June 1, 1865.

Sir G. Grey in reply, June 2, 1865.

have received from Sir D. Cameron, relative to the proceedings of Colonel Warre, C.B., at Taranaki, and of my replies.

2. You will see that Sir D. Cameron intends to report to the Secretary of State for War what he regards objectionable conduct on the part of Colonel Warre at Taranaki. I am satisfied that the more Colonel Warre's proceedings are inquired into, the more will they be found to have been energetic, courageous, and judicious, and in every way calculated at a very critical time to secure the safety of Her Majesty's possessions in this country.

3. I beg, therefore, that the inquiry into Colonel Warre's proceedings, which Sir D. Cameron's accusations have rendered necessary, may at once be instituted, as justice to Colonel Warre, to the Colonial Government, and to myself appears

Sir D. Cameron to Sir G. Grey, Auckland,
June 5, 1865 (with enclosures).

The Governor in reply, June 6, 1865.

to demand that this should be done.

I have, &c.,

The Right Hon. Edward Cardwell, M.P.,

(Signed) G. GREY.

&c.

&c.

&c.

P.S.—Since I had the honour of addressing this Despatch to you, Sir D. Cameron has

Sir D. Cameron to Sir G. Grey, June 1, 1865.

The Private Secretary to the Assist. Mil. Sec.
June 2, 1865.

The Assist. Mil. Sec. in reply, June 3, 1865.

informed me that he has transmitted to the Secretary of State for War the additional enclosures noted in the margin, I have therefore put up these letters for your information. I beg to be permitted to call your attention to Sir D. Cameron's letter to me of the 1st of June, and beg that an inquiry may be instituted as to whether the statements made in my Despatch to you of the 20th of May are unwarrantable, and whether I have misrepresented some facts and omitted the most important ones.

It should be borne in mind that every Despatch that I write to you is seen by my Responsible Advisers who would not fail instantly to point out in a memorandum any errors they found in it, and that nearly every Despatch I write is subsequently published in the Colony, and is freely discussed here, and is made known to Sir D. Cameron. On the other hand, his Despatches are kept secret alike from myself and the public. Only recently Her Majesty's Government have made comments on my proceedings here, which are based on such secret Despatches written by Sir D. Cameron, which comments were unnecessary and undeserved, and calculated to weaken my influence, and are clearly based on erroneous information which should not have been given to Her Majesty's Government.

(Signed) G. G.

Enclosure 1 in No. 28.

Sir D. A. CAMERON to Sir G. GREY.

Head Quarters, Auckland, May 9, 1865.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date in reply to mine of the 3d inst., and I shall feel obliged if your Excellency will acquaint me with the object for which you wish an additional reinforcement of 150 men sent to Colonel Warre, in order that I may inform that officer of it, and give him whatever instructions may be necessary.

NEW
ZEALAND.

I have hitherto received no report from Col. Warre of his having established posts at Te Namu and the White Cliffs, of the strength of those posts, by whose orders he established them, or of any particulars regarding them, and am, therefore, unable to judge of the strength of the reinforcements which ought to be sent to him. Your Excellency may have some information on those subjects of which I am not in possession. If so, I should feel obliged if your Excellency would communicate it to me.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) D. A. CAMERON, Lieut.-Gen.

Enclosure 2 in No. 28.

Sir G. GREY to Sir D. CAMERON.

SIR,

Government House, Auckland, May 12, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 9th inst., in which you ask to be informed why I wished an additional reinforcement of 150 men (making a total of 400 men) to be sent to Colonel Warre.

In reply I have the honour to state that in your letter of the 14th ult. you suggested to me that a sufficient number of men might be collected to occupy Te Namu without reducing the moveable column below 800 men, and a portion of this column might temporarily be detached to New Plymouth to enable Col. Warre to march to Te Namu.

In your letter of the 1st inst. you informed me "The remainder of General Waddy's column, amounting to rather more than the same number (400 men), might be detached for service at "Taranaki," as mentioned in your letter of the 14th of April.

In asking, therefore, that Col. Warre should be reinforced to the extent of 400 men, I imagined I was acting on your own suggestion, which met the wishes I had previously expressed to you.

I have no information why Col. Warre occupied a post at the White Cliffs. But I have received information that a part of the Kawhia Natives intended at the time he did so to march by that route for the purpose of aiding rebels against us in the south. It has also been long intended to occupy that position as being one of the most important points in the country. I can only presume these reasons led Col. Warre at that moment to make so judicious and important a movement.

I have received no information regarding the occupation of Te Namu, excepting a private note from Col. Warre. I have no knowledge by whose orders Col. Warre occupied it. He, however, in doing so anticipated orders which had been actually given, although he appears from your letter not to have received them, and I believe that the two most important movements he has so skilfully and successfully made will go very far to bring to a close the war which has so long prevailed in the Taranaki district.

The Hon. Lieut.-Gen. Sir D. Cameron, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) G. GREY.

Enclosure 3 in No. 28.

Sir D. CAMERON to Sir G. GREY.

SIR,

Head Quarters, Auckland, June 1, 1865.

WITH reference to your Excellency's letter of the 26th ult. on the subject of a communication addressed by you to the Minister of Colonial Defence regarding the occupation of a post at Te Namu, I beg to observe that Col. Warre could not have seen my letter of the 14th April, a copy of which you state you communicated to the Minister of Colonial Defence, as otherwise he would have mentioned it.

It will be my duty to report the case to the Secretary of State for War, as I consider it most objectionable that an officer should undertake any operation for the extension of a settlement, involving expense to the Imperial Government, at the suggestion of a Colonial Minister on the strength of some communication received by that Minister from your Excellency (which communication is afterwards not forthcoming,) it being competent to your Excellency in my absence and in urgent cases to communicate your wishes direct to any officer in command of a station.

I shall feel obliged if your Excellency will point out to the Minister of Colonial Defence that it is no part of his duty to communicate in any manner with the officers under my command on the subject of military operations.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON, Lieut.-Gen.

Enclosure 4 in No. 28.

Sir G. GREY to Sir D. CAMERON.

SIR,

Kawan, June 2, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant., informing me that you intend to report alleged objectionable conduct on the part of Colonel Warre, C.B., to the Secretary of State for War. In reply I beg to state that I consider Col. Warre's conduct, especially in the points to which you allude, to have been energetic, courageous, and judicious, and such as redounded to the good of Her Majesty's service and to the credit of her arms, and that it will prove to have been one of the leading means of bringing about the submission of some of the rebel Natives.

I feel sure that the more Col. Warre's conduct is inquired into the more will this be shown to be the case. Although, therefore, I regret the course you have taken for the harmony of the service, I feel that Col. Warre will ultimately only benefit by it, and I shall beg Her Majesty's Government to have the inquiry which you have rendered necessary instituted without delay.

I must decline to point out to the Minister for Colonial Defence that it is no part of his duty to communicate in any manner with the officers under your command on the subject of military operations, for this observation of yours is clearly pointed at Col. Warre, and if I made such a communication to the Minister for Colonial Defence as you propose it would be to imply that I believed he had made some irregular and improper communication to Colonel Warre, and that the latter officer had wrongly acted on it. I believe that neither of these officers have so far forgotten their duty, and I cannot act towards them as if I thought they had.

I think it fair to Colonel Warre that he should be furnished with copies of the correspondence between us which has relation to himself, and I shall order them to be transmitted to him.

The Hon. Lieut.-Gen. Sir D. Cameron, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) G. GREY.

NEW
ZEALAND

Enclosure 5 in No. 28.

SIR,

Head Quarters, Auckland, June 5, 1865.

I HAVE the honour to forward copies of a correspondence I have just received from Colonel Warre, which has taken place between that officer and the Minister of Colonial Defence.

I would beg to call the attention of your Excellency to the irregularity of the Colonial Minister commencing a correspondence of this description with Colonel Warre, and I have to request that your Excellency will take some steps to prevent its recurrence.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON, Lieut.-General.

SIR,

Garrison Office, New Plymouth, May 30, 1865.

I HAVE the honour to transmit for the information of the Lieut.-General Commanding, the accompanying letters relative to the establishment of military settlers and friendly Natives, on the land north of the Waitara river, by which means I hope overland communication with Pukearuru will be secured.

I hear from Major Atkinson that it is the intention of Government to establish these settlements as soon as possible, and that men from the Town Militia have volunteered for this duty on the terms noted in the enclosed printed circular.

The Deputy Quartermaster General, Auckland,
&c. &c. &c.

I have, &c.
(Signed) H. S. WARRE, Colonel Commanding
Troops at Taranaki.

SIR,

Colonial Defence Office, Taranaki, May 30, 1865.

It having been determined by the Government to form a military settlement near Tikorangi on the north of the Waitara river, consisting of 120 men, and also two settlements of loyal Natives at Urenui and Minui, I have the honour to request that you will be good enough to inform me whether you see any military objection to the plan being carried out immediately.

The Governor has arranged with the Lieut.-General that the men enrolled for this service are for the present to receive their pay from advances made by the Commissariat Department.

Col. Warre, C.B., Commanding the Forces, Taranaki.

I have, &c.
(Signed) H. A. ATKINSON.

SIR,

Garrison Office, May 30, 1865.

In reply to your letter of this day's date, I have the honour to inform you that I know of no reason why military settlers should not, in conjunction with friendly Natives, be placed at once on land north of the Waitara river. On the contrary, I believe that settlements so formed will secure communication with Pukearuru near the White Cliffs, will give support to the friendly Natives who have afforded us on many occasions very valuable assistance, and who have at all times been anxious that such settlements should be formed, and will keep in subjection the few rebel Natives now supposed to be with Wm. King, at Kaipikari, or at some part of the bush near that place.

I would suggest, however, that arrangements be made before the men are placed upon their land, to secure quick and easy transport across the Waitara river, by placing a flat-bottomed boat or scow at the ford near the Matarikoriko, so that in case of necessity, troops or reinforcements may be sent without delay to the assistance of the settlers, the river being at this season unfordable.

I would also suggest that a medical officer be attached specially to this settlement.

Hon. H. A. Atkinson,
Defence Minister, New Plymouth.

I have, &c.
(Signed) H. S. WARRE, Colonel
Commanding Troops at Taranaki.

Enclosure 6 in No. 28.

SIR,

Government House, Auckland, June 6, 1865.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, enclosing copies of a correspondence between Colonel Warre, C.B., and the Minister for Colonial Defence, and requesting me to take some steps to prevent the recurrence of the irregularity of the Colonial Minister commencing with Colonel Warre a correspondence of the description of that forwarded to me.

Colonel Warre was at the time of this correspondence the officer in command of Her Majesty's forces in the province of Taranaki, and was responsible for the safety of the district. The Government had determined to form a military settlement of 120 men near Tikorangi, on the north of the Waitara river, and also two settlements of loyal Natives to the north of the Waitara at Urenui and Minui. The Government saw no difficulty, in a political point of view, in the immediate formation of these settlements, but on the contrary great advantages.

Under these circumstances, the Minister for Colonial Defence who was at Taranaki, and had to act immediately, as I think with due caution and very properly, applied to Colonel Warre, the senior military officer, and requested him to state whether he saw any military objection to the plan of the establishment of these settlements being immediately carried out.

I cannot but approve of the caution and courtesy shown by the Minister for Colonial Defence in this instance, and holding this opinion, I cannot, much as I regret to differ in opinion with you, take any steps which might lead the Minister for Colonial Defence to think that I regard his proceedings in this instance as being either irregular or wrong, and I think it probable that you will, yourself, upon a careful reconsideration of all the circumstances of the case, concur with me.

The Hon. Lieut.-Gen. Sir D. A. Cameron, K.C.B.

I have, &c.
(Signed) G. GREY.

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Enclosure 7 in No. 28.

Sir D. CAMERON to Sir GEORGE GREY.

SIR,

Head Quarters, Auckland, June 1, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 26th May, enclosing a copy of your despatch of the 20th May to the Secretary of State for the Colonies relative to the establishment of posts at the White Cliffs and Te Namu.

Instead of entering into any correspondence with your Excellency on the unwarrantable statements made in that despatch, it is my intention to deal with it as I did with the two previous despatches of your Excellency, Nos. 53 and 54 of the 27th April 1865, of which you sent me copies, viz., to furnish Her Majesty's Government with full information on all the facts, some of which you have misrepresented, and the most important of which you have omitted.

Your despatch is thus only calculated to mislead.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON, Lieut.-General.

Enclosure 8 in No. 28.

The PRIVATE SECRETARY to the ASSISTANT MILITARY SECRETARY.

Sir D. Cameron
to Sir G. Grey,
June 1, 1865.

SIR,

Kauwau, June 2, 1865.

THE Governor has requested me to ask you to again lay the enclosed letter before Sir D. Cameron; as, looking to their relative positions, the Governor feels that he ought not to receive such a letter for the purpose of replying to it.

If Sir D. Cameron will be good enough to put it in more usual and becoming language, his Excellency will lose no time in giving such a reply to it as may then appear to be necessary.

The Assistant Military Secretary,
&c. &c. &c.
Head Quarters.

I have, &c.
(Signed) FRED. THATCHER,
Private Secretary.

P.S.—I have, by his Excellency's direction, retained a copy of the enclosed letter, in case further reference to it may be necessary.

F. T.

Enclosure 9 in No. 28.

The ASSISTANT MILITARY SECRETARY to the PRIVATE SECRETARY.

SIR,

Head Quarters, Auckland, June 3, 1865.

I HAVE had the honour to submit your communication of the 2nd instant to the Lieut.-General Commanding, and I am directed to acquaint you, for the information of his Excellency the Governor, that the letter of the 1st instant, No. 153, was not written for the purpose of eliciting a reply, and it is the intention of the Lieut.-General to forward a copy of it, with other correspondence on the same subject, to the Secretary of State for War.

The Private Secretary,
Kauwau.

I have, &c.
(Signed) GEO. DEAN PITT, Major A.M.S.

No. 29.

No. 29.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 81.)

Government House, Auckland, June 8, 1865.

(Received August 15, 1865.)

(Answered, No. 70, August 26, 1865, page 228.)

SIR,

It was with very great regret that I learned from your Despatch, No. 20,* of the 27th of March, that you found a difficulty in giving me your opinion on the important question of safety, because there appeared to be a discrepancy between my despatches and those of General Cameron to the Secretary of State for War, for that officer appeared to suppose that I expected from him services which would render necessary the continued presence in New Zealand, if not indeed the increase, of the present force. After stating this, your remarks clearly indicate your disappointment at my not having given any explanations on this subject.

2. I trust that I may be furnished with copies of the despatches to the Secretary of State for War to which you allude, that I may show how unjust and erroneous they are; indeed, no better proof could be given of this than General Cameron's recent letters to me, of which he tells me he is sending copies to the Secretary of State for War, in which letters he expresses it as his deliberate opinion that a gradual reduction of the force here may and ought to be commenced at once. As I never intended to do that which General Cameron has reported I was about to do, I could give you no explanations regarding a subject which had never entered into my mind.

3. I beg to state that I think the General Officer here ought not to be allowed to

* Vide papers
presented
6 April, 1865,
page 20.

embarrass you with the difficulties General Cameron has done, by making secret reports to Her Majesty's Government, contrary to my public despatches. General Cameron and my Responsible Advisers see everything that I write to you on such subjects; if they disagree with me they should tell me so here, and allow me to send my views on their statements, together with such statements. Her Majesty's Government will then have before them both sides of the question, and be able to come to a decision, and to give me positive instructions. The course General Cameron has adopted is new to the public service, and can, I feel sure, only lead to such embarrassments as those which have sprung from it.

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The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 30.

No. 30.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 82.)

Government House, Wellington, July 6, 1865.

(Received September 15, 1865.)

(Answered, No. 81, October 20, 1865, page 249.)

SIR,

I HAVE the honour to transmit, for your information, the copy of a letter dated 21st of June, addressed to me by Sir D. Cameron, which I think he is likely to transmit to the Secretary of State for War. This letter contains very serious misrepresentations, which I am desirous should be corrected, and I beg you will therefore be good enough to bring them under the notice of Earl de Grey.

Sir D. Cameron
to Sir G. Grey,
Auckland,
June 21, 1865.

2. Sir D. Cameron says:—"If, however, the continued occupation of that position by the rebels really involves all the serious consequences represented by your Excellency, which I am very far from believing, your Excellency must be held responsible for them, for, in the first place, the three best months of the year for operations in the field were lost in consequence of the postponement of hostilities by your Excellency, until after the meeting of the General Assembly, a delay which would seem to have been unnecessary if you had at that time determined under any circumstances, and whoever your Excellency's Responsible Advisers might be, to transfer the war to Whanganui, for the confiscation and occupation of territory; and, in the next place, your Excellency's instructions to occupy the sea coast between Taranaki and Whanganui rendered an attack on the position impossible, unless I had immediately abandoned the posts established in pursuance of those instructions. It was not until the middle of May, after having more than once applied to your Excellency for instructions, and after having been informed by your Excellency in reply, that the services of the regular troops were not likely to be required, that I received your sanction to abandon any of the posts, but it was then too late. But for these circumstances the Wereroa position might ere now have been in our possession."

3. In the first place, Sir D. Cameron was well aware that the war was not transferred to Whanganui for the confiscation and occupation of territory, but that the object was the protection of British settlements and the punishment of tribes who had been guilty of serious crimes, and were constantly fomenting disturbances in the country.

4. In the second place Sir D. Cameron was perfectly aware that I did not postpone hostilities in the Taranaki country until after the meeting of the General Assembly, and that the delay in those operations was not unnecessary, and that it had nothing whatever to do with the question of whom my Responsible Advisers might be. The question that I wished not to decide without the advice of a responsible Ministry was what the extent of those operations should be. As the Colony would to a great extent be liable for the cost of those operations, I was anxious that their extent and the precise object to be aimed at should be settled with the advice and concurrence of a responsible Ministry. But this question of acting under responsible advice was in no way connected with that of whether or not operations were to be undertaken between Taranaki and Whanganui, which had long previously openly been determined on, or with the delay in September in carrying on those operations, which arose from a different cause. Sir D. Cameron knew that I had long previously determined that those operations should be undertaken; that the first preparations for them began in August 1864, or early in September, and that the interruption in them from that date to the 16th of December arose from a great peril

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which suddenly and unexpectedly threatened Auckland. This I am fortunately able to show from Earl de Grey having been kind enough to send me a copy of the Report of the Deputy Quartermaster General in New Zealand, from the 8th of September to the 7th of November 1864, from which I extract the following statements:—

Head Quarters, Auckland, November 7th, 1864.

“Immediately after the dispatch of the last journal (September 7th) a very unexpected occurrence took place, the escape (on September 10th) of the whole of the Maori prisoners from Kawan; which has had a very important bearing on the political aspects, and may possibly have a serious effect on the military operations of the war.”

“Happily as yet no disaster has resulted from the escape of the prisoners, but as they are still at large, and have established themselves (though with professedly peaceable intentions) on the Omaha Mountain, where they have been joined by a few other Natives, it is still quite impossible to conjecture what the results will be.

“It is, however, satisfactory that the Northern Natives have as a rule disowned any sympathy with the escaped prisoners.

“The country between New Plymouth (Taranaki) and Whanganui was at the date of my last Report (September 7th) the contemplated scene of the next operations to be undertaken. The escape of the prisoners and the possible complications it might lead to in the North would of course reduce the number of troops to be available for operations in the South, and might possibly, when the time for action came, forbid the removal of any troops whatever from the Province (Auckland).”

“Preparations for the intended move of troops to Whanganui and Taranaki were commenced in the way of commissariat arrangements, and the embarkation of the first detachment of the Transport Corps, when further progress was ordered to be suspended.”

“Now, though the time favourable for active operations has arrived, none can be undertaken for a month, but until the danger in the North has passed, the large number of troops at present at Otahuhu near Auckland, though inactive, are in the most convenient position, and ready for any emergency that may arise.”

5. I feel satisfied that the foregoing statements made by the Deputy Quartermaster General from Head Quarters must satisfy every one that Sir D. Cameron not only knew, at least in August 1864, that I had determined that operations should be undertaken in the country between Taranaki and Whanganui, but that the movement of troops for that purpose was commenced before the 7th of September 1864, when the operations were interrupted by a serious danger which suddenly and unexpectedly threatened the Province of Auckland.

6. But in truth, Sir D. Cameron's own letters also conclusively show that the delay of three months in the intended operations had nothing whatever to do with his not attacking the Wereroa Pa. Many passages could be cited to prove this, but one will probably suffice, taken from his letter to me of the 17th March.

“On that occasion I explained to you why I had refrained from attacking the Wereroa Pa, when I was at Nukumaru, viz.—that the position was so formidable and at that time occupied in such strength by the rebels that I considered it could not be taken without serious loss to us, uncompensated by any corresponding loss on the side of the rebels, who could at any time escape into the bush with impunity. I stated that this was the reason why I had advanced to the Waitotara, afterwards to the Patea, and why I thought it necessary to consult you as to future operations.”

7. This conclusion was come to at the time that Sir D. Cameron was, erroneously, so strongly impressed with the idea of the strength of the enemy, and with the determined nature of the resistance they intended to offer, that he stated he could not advance even so far as the Patea without reinforcements from home of at least 2,000 men, and it clearly had nothing to do with the delay of three months which had taken place in his proceeding from Auckland to Taranaki and from thence to Whanganui.

8. The plea of not attacking an entrenchment occupied by only about 250 Natives, without artillery and badly armed, within a few miles of a British settlement, upon account of the winter season, is, in a climate such as this, difficult to understand. I believe that no other commander in New Zealand has ever gone into winter quarters;

and to leave rebels undisturbed close to Whanganui for months is a most pernicious thing. It entails a vast expense on Great Britain and upon the Colony; it enables the rebels to form new alliances, to foment disturbances in other parts of the country, and keeps a large force uselessly locked-up. About 800 British troops are now watching this entrenchment.

9. The Natives do not themselves ever think of going into winter quarters. As you will find from other letters, the fanatics are using this interval of absolute inactivity on our part to attack our allies on the East Coast, and will, I have reason to fear, involve us in another war.

10. To conduct what is really a civil war on such principles must, in my belief, ultimately involve the whole native population in it, and gradually extend it over all New Zealand.

11. I think that even in an European territory, if parties of lawless people, absolutely insignificant in number when compared to the forces of the country, were allowed to remain for months in entrenchments, close to towns which they continually threatened, and if the forces of the Government went into winter quarters, leaving them undisturbed and remained inactive, whilst the abettors and supporters of the rebels were in the field, carrying on a civil war against loyal subjects of the Queen, the result must inevitably be a long and costly war, which would gradually spread over the whole country, and could ultimately be only put an end to by fighting taking place in each part of it in succession. If such would be the case in an European country, it would be much more so in such a country as New Zealand, where the rebels are Natives, with strong sympathies in their favour in the breasts of many of their countrymen. New Zealand is also quite unable to bear the expenses of the forces it is obliged to maintain ready for operations whilst this state of inactivity prevails, and for many months its financial ruin has from this cause apparently been slowly in process of accomplishment.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure in No. 30.

Encl. in No. 30.

SIR,

Head Quarters, Auckland, June 21, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 9th instant, relative to the issues of pay and rations by the Commissariat on account of the Colonial Government, and having referred it to Commissary General Jones, I herewith forward a copy of his letter for your information.

I cannot concur with your Excellency that an investigation of the account between the Imperial and Colonial Governments is superfluous, because the Colonial Government are satisfied that all the present issues are necessary and because they are responsible for their cost; nor that such an investigation would be attended with danger in consequence of the occupation by the rebels of a position on the Waitotara River.

If, however, the continued occupation of that position by the rebels really involves all the serious consequences represented by your Excellency, which I am very far from believing, your Excellency must be held responsible for them; for, in the first place, the three best months of the year for operations in the field were lost in consequence of the postponement of hostilities by your Excellency until after the meeting of the General Assembly, a delay which would seem to have been unnecessary, if you had at that time determined, under any circumstances and whoever your Responsible Advisers might be, to transfer the war to Whanganui, for the confiscation and occupation of territory; and, in the next place, your Excellency's instructions to occupy the sea coast between Taranaki and Whanganui rendered an attack on the position impossible unless I had immediately abandoned the posts established in pursuance of those instructions. It was not until the middle of May, after having more than once applied to your Excellency for instructions, and after having been informed by your Excellency in reply that the services of the regular troops were not likely to be required, that I received your sanction to abandon any of the posts; but it was then too late. But for these circumstances the Wereroa position might ere now have been in our possession.

As to the plan proposed by your Excellency, I have in previous communications sufficiently explained my opinion regarding it, and I will only add that the Commanding Royal Engineer, Colonel Mould, fully concurs with me that a siege of the position is not advisable at this season of the year. All that can now be done is to make preparations; so that no time may be lost as soon as the weather will admit of the operation being undertaken.

Although nothing that your Excellency has stated in your letter is in my opinion sufficient reason for preventing the first proposal of Commissary General Jones from being carried into effect, yet, as your Excellency is so disinclined to any inquiries being made into the present expenditure on account of pay and rations to the Colonial forces, and as the question stands at present in a very unsatisfactory

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position, I think it better to adopt the course recommended by Commissary General Jones, and to refer the whole subject for the instructions of the Secretary of State for War.

In the meantime I have directed the Commissary General to continue all the present issues on the conditions stated in his letter.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut.-General.

No. 31.

No. 31.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 83.)

Government House, Wellington, July 10, 1865.

Received September 16, 1865.

(Answered, No. 81, October 20, 1865, page 249.)

SIR,

Lt.-Gen. Sir
D. Cameron to
Sir G. Grey,
June 27, 1865.

I HAVE the honour to enclose a copy of a Letter I have received from Sir D. Cameron, reporting that Colonel Warre, C.B., and Colonel Weare, 50th Regiment, on the 8th of June last, advanced from their respective posts, and formed a junction on the same day, without opposition, thus opening the whole distance between Taranaki and Whanganui.

Mr. Parris to
the native Mi-
nister, Wel-
lington, June
21, 1865.

2. I have also the honour to enclose the copy of a Report from Mr. Parris on the same subject, from which you will see what an effect these proceedings have had on the minds of the Natives, and how strong their desire for peace now is.

3. In other Despatches I have reported that the posts it was proposed to occupy to the north of the Waitara have all been taken up without opposition. I trust that these events will all tend to satisfy you that I was right in declining to ask for further reinforcements from England of at least 2,000 men, to enable the General to advance as far as the Patea; and for still larger reinforcements for the purpose of occupying posts to the north of the Waitara River.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. 1, in
No. 31

Enclosure 1 in No. 31.

SIR,

Head Quarters, Auckland, June 27, 1865.

I HAVE the honour to report that Colonel Warre, C.B., marched with a column from near Opunaki, and Colonel Weare from the Waingongoro on the 8th instant, and met about halfway between those two points, on the same day, without opposition.

They returned to their respective stations on the 10th instant.

The distance between Opunaki and the Waingongoro is reported to be 24 miles, and not 15, as supposed by your Excellency.

His Excellency Sir George Grey, K.C.B.

I have, &c.
(Signed) D. A. CAMERON,
Lieut.-General.

Encl. 2 in
No. 31.

Enclosure 2 in No. 31.

SIR,

Wellington, June 21, 1865.

FOR the information of His Excellency's Government, I have the honour to forward the following Report of the expedition under the command of Colonel Warre, C.B., from New Plymouth, for the purpose of effecting a passage through the Taranaki and Ngatiruanui districts, which expedition I accompanied.

REPORT.

1st. On Monday, the 5th instant, Colonel Warre, C.B., myself, and a company of bushrangers embarked on board the S.S. "Ahuriri" and landed at Opunake the same evening. Captain Mace, with about 30 of the Mounted Corps and four mounted Natives, went overland, and met us at Opunake.

The S.S. "Ahuriri" was sent off from Opunake the morning of the 6th instant (after landing the commissariat stores brought from New Plymouth) to signal to the forces at Waingongoro, under the command of Colonel Weare of the 50th Regiment, to advance northward. On the 7th instant, a force composed of two companies of the 43rd Regiment, one company of the 70th Regiment, a company of bushrangers, and 30 of the Mounted Force, commanded by Colonel Warre, C.B., left Opunake, and marched as far as a river called Taungatara, which we found a heavy fresh in, and were not able to get the transport carts and the gun over; consequently we encamped on the north side that night, and started the next morning without any camp equipage or carts, taking only seven packhorses with us, with supplies for three days.

About 3 o'clock P.M. on the 8th instant, we met the advanced guard of the force under Colonel Weare, 50th Regiment, at a place called Taikata, where both forces were halted; and after a

communication with Colonel Weare, which was effected by Colonel Warre riding on to meet him, the two forces were ordered to encamp for the night, about a mile apart, Colonel Warre's at Taikato, and Colonel Wear's at Kumupubia. On the 9th instant Colonel Warre, Deputy Assistant Quartermaster General Clark, myself, and about twenty of the Mounted Force, rode on to Waingongoro, leaving the troops where they were encamped. Before starting from Waingongoro, I sent a Native whom I had brought with me from New Plymouth, with a few lines to the young Ngatiruanui Chief, telling him that if he really wished to see me, I should be at Waingongoro that day, to which place Colonel Warre had consented for him to come; cautioning him at the same time to come with a white flag. As we rode very fast from Taikato to Waingongoro, where Colonel Warre remained only about three hours, there was not time enough for Hone Pihama to get in, and as Colonel Warre decided to return at once, after consulting with him, I deemed it advisable for the public service that I should remain in the district for a few days, in order to give the insurgents an opportunity of communicating with me, as they had previously expressed a wish to do so.

2nd. Colonel Warre left Waingongoro for the return march to New Plymouth about 3 o'clock P.M. the 9th instant, and as they were passing through the Waimate district, one of the mounted men, Richard Peed, accidentally fell from his horse, and his comrades left him (not intentionally I presume), when his horse ran inland, and he followed it, and whilst doing so was captured by the insurgents near a place called Te Kanae, where the Native I had sent to them fortunately was stopping, and the next day, 10th instant, he came into Waingongoro to report the capture of the European, who was armed with a sword and revolver. I sent him back with a request that they would send in the European and all his accoutrements, so that when we met, our talk might be marama (clear, unrestrained). The following day, the 11th instant (Sunday) R. Peed was sent in to me, together with his horse and accoutrements, and also a pocket-handkerchief with five shillings in it, which Peed insisted upon given them for their kindness to him, but they refused to keep it, stating that it might be said they had liberated him for money. Colonel Weare's force returned from the North, Saturday evening, and encamped at Waingongoro for the night. The following morning, Sunday, 11th instant, resumed the returned march to Patea.

3rd. On Monday, the 12th instant, the young chief Hone Pihama, and Rapata, a young man of the Ngatimaniapoto chiefs, Tikaokaos, together with four others, came in with a letter, signed by Te Ua, Tito Hanatawa, Tamati, Hone Oraukawa, and Tawhano (Tikaokao), which I herewith enclose, requesting me to go to Te Kanae, to meet the Natives of the district there. At first I had an objection to go there, in consequence of a recent occurrence at Watino, not more than 10 miles therefrom, when some of the mounted men stationed at Opunake, who went out with Lieut.-Colonel Colville on the 1st instant, about five miles in advance of that post, whilst in the act of riding after some cattle, inland of the village of Watino, where they had left Lieut.-Colonel Colville and three mounted men, fell in with five Natives, and engaged with them, when one of the mounted men was severely wounded, and died the following morning in camp. They left three of the Natives on the ground for dead, after taking their arms and a mere and tomahawk; and lest more Natives should come upon them, it was deemed advisable to return to camp at once, which they did, and then returned again with fifty men to where they left the Natives; but on their arrival there were only two Natives, the third having, as they supposed then, been taken away; but from information which I have obtained from the Natives, it appears he got away of his own accord, after the mounted men retired, with six bullet wounds and severe battering on the back part of his head (inflicted by R. Peed, who was made prisoner). The names of the two men who were killed were Totaea and Honiana, and the one that got away was a chief called Rewa Pura, all Taranaki Natives (that section of the tribe called Titais). After a consultation with Lieut.-Colonel Butler, who was commanding at Waingongoro, I decided to go and meet the Natives at Te Kanae, and accordingly left the same day, accompanied by Captain Sir Robert Douglas and Lieutenant Tredennick. On arriving at Te Kanae we were received with the most friendly demonstrations of waving of blankets and salutations from the women. On entering the village we were received by a guard of honour of about thirty armed men, who presented arms, and then opened their lines, being in double file, and formed an avenue which conducted us to a small paling enclosure of about eight feet square, in which stood their Niu (post), around which stood four Natives facing outwards, and Te Ua himself stood at the entrance. We were marched around the Nui, and then requested to sit down. Te Ua then turned round and looked me stedfastly in the face for about two minutes, and turning to the Natives who were standing against the post, said to them "Did you see?" They replied, "Yes." Te Ua then said "The Spirit has alighted upon him." He then called upon the armed party to honour the visitors, when they presented arms, and were then dismissed. Te Ua then went among the other Natives, who were a short distance off, in number about 200 men, including all the leading men of the district, and among them were three Northern chiefs:—

Tikaokao, a Ngatimaniapoto chief.

Manuka, a Ngatiapakura chief.

and Haurua, a Ngatihikairo chief.

Te Ua made the first speech, and was followed by the three chiefs before mentioned. After them Tamati, Hone Oraukawa, and other Ngatiruanui chiefs. The tenor of their speeches was most peaceful. In fact I have never witnessed a stronger desire for peace since the war began. They had not heard of the submission of William Thompson until I told them of it, but Te Ua stated in the presence of all, that they the people of the district were an independent tribe, and should settle their own affairs without reference to Waikato. He also repudiated the Maori King in the presence of all. He did the same when I met him the last time in 1862.

4th. In addressing them, I called upon them to return, and place themselves under the Government, and reminded them of a conversation I had with them in the year 1859 in the town of New Plymouth, when on their way North to attend the first great King meeting held in Waikato, when I told them that they would regret ever moving in the question of a king for the Maori people. I asked them to show me how their ranks were filled up, and where many of the men were that I used to see among them; explaining to them that however many we lost, that loss was always filled up by others. They asked

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me to explain to them what would be required of them to make peace with the Government. I told them that the only terms I knew of was, for them to surrender unconditionally, and place everything they possessed under the protection of the Government, but as I had received no instructions from the Government with reference to their particular case, I considered that it would be better for me to communicate to the Government my interview with them before anything further was done in the matter.

5th. A native named Ritimana rose and said that if the troops were withdrawn from their district peace could be settled at once. In reply, I told them that I had not come to flatter them, or to make any definite proposal to them; but that I had come to hear what they wished to say. As to the removal of the troops, they must not expect that would be done until they had satisfied the Government with terms for a permanent peace. I told them other tribes had surrendered land as payment for going to war against the Government, and that they would have to do the same, but as to the quantity, that I was not prepared to say anything about. On returning from Te Kanae to Waingongoro, a party of about fifty young men were ordered to get their horses, and escort me to the redoubt. Some of them were mounted on very fleet horses, and rode exceedingly well; the whole were under the command of a young man named Watikingi, grandson of the old Ngatinanui chief Te Rei Hanatawa, who was killed at Waireka in March 1860.

On the 13th instant, the chief Hone Pihama Te Rei Hanatawa brought in a cartload of potatoes, kumeras, pumpkins, and also a quantity of tobacco of New Zealand growth, and very creditably manufactured, a present to the troops at Waingongoro, which was thankfully received, the troops having been for some time without vegetables at this post.

At the request of Lieutenant-Colonel Butler, I instructed the Natives to keep away from the redoubts in my absence, until some one returned from the Government to see them, which they agreed to do, and promised to remain perfectly quiet in the interim, if the troops would do the same. I arranged for Te Ua and Hone Pihama to accompany me so far as Opunake, having intended to return direct to New Plymouth overland; but the following morning, the 14th instant, I received a message from Te Ua, telling me that he had just heard that the friends of the Natives who were killed in the engagement at Watino were assembled at that place; that he was therefore afraid it would not be safe for me to go that way; that if any injury was done to me while he was with me, he should be accused of being a party to it, the same as he had been to the murder of Mr. Volkner; which conduct he had always been opposed to.

6th. Deeming it not advisable to risk too much my first interview with them, I decided at once to go by way of Whanganui, and just as I was leaving a native arrived with a white flag, wishing to see me. I went back to see him, and found he had been sent in from Weriweri and Kitemarae, to state that as Hone Pihama had been allowed to bring in a present for the troops, they wished to do the same; that they had six cartloads ready, and some pigs, which they were only waiting for leave to bring in. Lieut.-Colonel Butler consented for them to do so; and I again repeated his instructions to them to keep away after they had brought in their present of potatoes, &c., as there would be no one to speak to them after I had gone.

7th. Before closing this Report, it is only fair to the Natives to mention a few incidents which occurred during my short stay at Waingongoro. A great number of horses have been captured by the troops in that district, and on the occasion of going to Te Kanae to meet the natives, Lieut. Tredennick rode upon one of them, and just before we arrived at Te Kanae one of the young men who had come to the redoubt after me remarked "That is our horse." I felt it was a very injudicious thing to do, but it was too late to prevent it. However, on arriving at the village, some young men were ordered to take charge of our horses, which they did, and unsaddled them, and tethered them out to feed. On leaving the place the horse was brought to Lieut. Tredennick, without a word about its belonging to them. On the morning of the 13th instant, six young men came from Kitemarae to the redoubt, all on horseback. As I was talking to them Lieut. Down requested me to ask them if they had seen any horses on the track they had come; that a mare, a colt, and a foal of his had got away in that direction. I put the question to the Natives, and they replied that they saw some horses near the bush. I then requested two of them to go with Lieut. Down, to bring them back, which they agreed to do, and lent Lieut. Down one of their horses to ride with them. They recovered the horses, and brought them back to the redoubt, when they informed me that they belonged to a Native named Edward (Emera), but never asked to have them returned to them. I have mentioned those circumstances to show the very good feeling which seemed to prevail among them.

8th. William King, Hukamu, and his brother Reihana, chiefs of the Kaopukunui district, requested me to supply them with a Government flag for their district; but I am of opinion it would be injudicious to do so as yet. I am of opinion that many could be drawn off, and brought back to their allegiance to the Government at once, which would have to be done quietly, without any defiant demonstrations while negotiations were being carried on.

9th. I left Waingongoro on the 14th instant, and arrived at Whanganui on the 15th, and after conferring with Brigadier Waddy, C.B., and Lieut.-Colonel Logan, I decided to come on to Wellington to report without delay the favourable interview I had had with the insurgents in the Ngatiruanui district, where I beg to submit, for the consideration of his Excellency's Government, the desirability of some one being sent as early as convenient, to make known the terms of the Government for the establishment of peace with that tribe.

10th. About 10 o'clock on Monday night, after I had gone on board the S.S. "Whanganui," I received a letter from Lieut.-Colonel Butler from Waingongoro, enclosing one for me from some Natives whom I had not seen, which I herewith also enclose. Those Natives belong to the Puketapu tribe, and were driven away from Mataitawa, when that place was taken by Colonel Warre.

I have, &c.
(Signed) R. PARRIS,
Assistant Native Secretary.

KIA PARETE,

E HOA, Iena kae, kanni to matan aroha atu kia kae i tenei I akewa, Kia rongo mai koe, kei au te whakaro kia kite ia kae, kua kite te eive ia kae inaianei, ka kite hoki maton ia kae. Ki wea ranei kite ai maton ia kae.

Kia Parrete,
Waingongoro.

Hune 16, 1865.

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Heai ano,
NA TAMATI HANA.
„ IE HAPIMANA TOKE.
„ WHIKITOA.
„ HAKOPA.

FRIEND MR. PARRIS,

June 16th, 1865.

GREETING. Great is our aroha for you at the present time. Know you that I will fix the time (name the day) for seeing you. The tribe has seen you this day. When shall we also see you? where shall we see you?

To Mr. Parris,
Waingongoro.

(Signed) TAMIHANA.
HAPIMANA TOKEWA.
WHIKITOA.
HAKOPA.
(Signed) WILLIAM D. BAKER,
Translator, N.D.

Te Kanae, Hune 11, 1865.

E HOA e Parete. Ko-rua ko Te Trauara. Tena ra Karua. Tenei te kupu kia kae e Parete, me kaere mai kae akuanei kia kite koe i to iwi, ki konei koe karero ai ki to matae whaka me te iwi kaki ki a kae.

Kia Parete,
Waingongoro.

Heai,
NA TE UA HAUMENE.
NA PITO HANATANA.
NA TAMATI HONE.
NA TAWHANA.

FRIEND PARRIS,

Te Kanae, June 11, 1865.

You and the General I salute you (both). This is my message to you, o Parris. Come hither this day that you may see your people; that here you may address (the people of) our cause, and that the tribe may express its views to you. No more.

To Mr. Parris and the General,
at Rangitoto Whangongoro.

(Signed) TE UA HAUMENE.
PITA HANATANA.
TAMATI HONE.
TAWHANA.

To Mr. Parris and the General,
at Rangitoto, Waingongoro.

(Signed) WILLIAM D. BAKER,
Translator, N.D.

No. 32.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

No. 32.

(No. 84.)

Government House, Wellington, July 10, 1865.

(Received September 16, 1865.)

(Answered, No. 74, September 20, 1865, page 230.)

SIR, I HAVE the honour to transmit, for your information, the copy of a letter I wrote to Wm. Thompson, and of his reply, from which you will be glad to learn how strong are his expressions of gratification that peace has been made with his tribe.

2. The report he alludes to about soldiers being stationed at Te Puna is based upon some misapprehension which shall be removed from his mind.

I have, &c.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

(Signed) G. GREY.

Sir G. Grey to
W. Thompson,
Auckland,
May 30, 1865.

W. Thompson
to Sir G. Grey,
Matamata,
June 28, 1865.

Enclosure 1 in No. 32.

WIREMU TAMIHANA TE WAHAROU.

Government House, Auckland, May 30, 1865.

MY FRIEND TAMIHANA,

Encl. 1 in
No. 32.

THE letter of the General has come to me; I have seen that you have signed a declaration of allegiance to the Queen, and you have also ceased to fight against me; it is good, I am glad; after this we will work together so that good results may spring up in this world, for evil works to be caused to cease; but all the regulations for good will be laid down on the day when we speak face to face.

Your Friend,
(Signed) G. GREY,
Governor.

NEW
ZEALAND.
—
Encl. 2 in
No. 32.

(Translation.)

Enclosure 2 in No. 20.

Matamata, June 28, 1865.

SALUTATIONS TO YOU GOVERNOR,
SALUTATIONS TO YOU SIR GEORGE GREY,

FRIEND, your word approving of the peace has arrived (your word of approval for the peace has arrived); I have seen it. Yes, that report which reached you (you received) is true, that is the word which General Carey wrote is quite true (the word of General Carey which was written (to you is quite true); all I think is that peace is made—pausing (or, I rest) a breathing from the weariness and fatigue of working at this evil work (war), this is the weapons of Tu (war) have been cast down, and thrown away (from us); I am sleeping (at peace), and the arms (I and the arms are at peace; the nose (edge or point), of the weapon is sleeping, is turned away. All of that.

This is a thought of mine, I heard the report of cannon on the night of the 20th of June at 9 o'clock. Friend, send back the Europeans who are dwelling at Te Puna. I thought as the (these or my) implements of war are sleeping (at peace), that those arms should sleep also (likewise). Friend, an enemy for whom are the soldiers and the barracks which are standing (stationed) at Te Puna? Peace being made, for whom indeed are these the enemy? (Meaning, what are those soldiers stationed, and that barrack (or redoubt) erected at Te Puna for? Who are they to fight against? Peace having been made there is no person for them to fight).

O (Sir George) Grey, send back those soldiers, do not leave them. This is all my word at this time.

From your friend,
(Signed) W. T. WAHAROA.

No. 33.

No. 33.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 85.)

Government House, Wellington, July 10, 1865.

(Received September 16, 1865.)

(Answered, No. 81, October 20, 1865, page 249.)

SIR,

I HAVE had the honour to state in previous Despatches that the only positions left in the occupation of rebel Natives between Whanganui and Taranaki were that at Wereroa and some others near Warea, on the Taranaki side; I have now the honour to enclose a copy of a letter I have received from Sir D. Cameron transmitting a report from Colonel Warre, C.B., containing the particulars of an attack made by a force under his command on the positions near Warea.

2. You will be glad to learn that this attack, which was gallantly made and skilfully planned, was entirely successful, and that the positions were all taken without any casualty on our side.

3. I feel sure that a consideration of what has recently been accomplished by Colonel Warre, C.B., fully shows that if, as I requested, he had been allowed to advance from Taranaki at the same time that Sir D. Cameron began his march from Whanganui, the war in New Zealand would long ere this have been entirely at an end, and that a vast expenditure would have been saved to Great Britain and the Colony.

I have, &c.

The Right Hon. Edward Cardwell, M.P.

(Signed) G. GREY.

&c.

&c.

&c.

Encl. in No. 33.

Enclosure in No. 33.

Head Quarters, Auckland, June 27, 1865.

SIR,

I HAVE the honour to forward, for your Excellency's information, the copy of a Report received from Colonel Warre, C.B., giving the particulars of an attack made by a force under his command on certain native villages or positions near Warea, from the which the rebels were expelled without any casualty on our side.

His Excellency Sir George Grey, K.C.B.,

&c.

&c.

&c.

I have, &c.

D. A. CAMERON,

Lieutenant-General.

SIR,

New Plymouth, New Zealand, June 16, 1865.

IN continuation of my report of the 15th instant, No. 580, I have the honour to inform the Lieutenant-General, that, having remained at Opunaki on the 11th (Sunday) to enable the men to clean and dry their clothes, &c., I continued the march towards New Plymouth on the 12th, with the troops shown in the enclosed Field State, and reached Kopoaiaia, where there were some very large and excellent whares, the same evening, a distance of sixteen miles over a flat but extremely wet and swampy country.

Having obtained a good amount of information, with a very clear plan of the rebel positions near Warea (the plan I enclose, to show how cleverly the Natives delineate the country) from two

rebels taken prisoners near Opunaki, I determined to carry into execution a plan I had already arranged to chastise these Natives, who, from the supposed impracticability of their country, had hitherto escaped with impunity; but who not only killed Privates Hawke and Jury on the 22nd April last, but have been the originators and principal actors in every atrocity that has been perpetrated by the rebels during the war. Among other occurrences, the mutilation of the bodies of Captain Lloyd, 57th Regiment, and others killed at Ahu-Ahu on the 6th April, the murder of Mr. Paterson, an unarmed settler, near New Plymouth, and the plunder of the passengers wrecked in the S.S. "Lord Worsley."

To carry out a combined movement having a base of seven miles, I was obliged to bring more troops from New Plymouth, and I requested Major Holmes, 43rd Light Infantry, and Major Russell, 57th Regiment, who were to command the two left columns, to meet Lieut.-Colonel Colville and myself at Kopoaiaia, to receive their final instructions.

On perusal of the enclosed orders, the Lieutenant-General will be able to judge how admirably these officers carried out their instructions, and not only accomplished their object without loss, but by their simultaneous action so completely outwitted the Maories that the latter, who depended very much on the forest and the commanding positions of their villages in the bush, were forced to seek their own safety by precipitate flight, leaving everything they possessed in possession of the troops.

Brevet Lieut.-Colonel Colville, 43rd Light Infantry, having volunteered to lead his column on foot to attack the principal and extreme position, an old pah with deep ditches strengthened by palisades, and situated on a knoll, about six miles inland, two or three miles of which was through forest, I joined the column under Major Holmes, 43rd Light Infantry, which was directed on several small villages surrounding Te Puru, also an old pah, situated on a hill surrounded by bush. The distances to be overcome were so well timed that we had hardly got possession of Te Puru when by the smoke and firing we knew that Colonel Colville was in possession of the village, at the point A on the sketch, and the high ground enabled me to mark his progress, and, after rather more than an hour's anxious suspense, the rapid firing and hearty cheers of his men convinced me that he had attacked and taken the principal stronghold of the rebels, who, more numerous than I anticipated, both at Te Puru and Kekerui, appeared to be quite infatuated with the Pai Marire religion, the incantations of which they kept repeating, regardless of their lives, until forced by the flames of their burning whares to seek safety in flight. Lieut.-Colonel Colville appears to have surprised the rebels at Kekerui so completely that, expecting to be attacked in front, the rebels took no notice of the Bushrangers, who crept round and got through the trenches in the rear. The rebels hardly attempted resistance; firing a few ineffectual shots, the men abandoned their women and children, the chief Meiha, better known as "Big Jack," setting a disgraceful example by throwing away his gun (a rifle taken from Captain Lloyd's party at Ahu-Ahu), and a telescope (taken from the "Lord Worsley"); and although every effort was made, it is feared he escaped in the general rush which followed the onset of the troops. A large number of old men, women, and children (afterwards released) were taken, and several men were reported as killed; some also, who would not surrender, were consumed in the burning whares, from whence great quantities of effects belonging to the passengers of the late "Lord Worsley" were taken; as also guns, meres, flags, and other trophies; but the difficulties of the road, and the necessity of taking every precaution against ambuscade on the track to join the force under my command, obliged Colonel Colville to order the destruction of all but the smaller and more valuable articles. Without further opposition, and by a very fair bush track, this force joined mine by three o'clock p.m. Major Russell, 57th Regiment, having remained in ambuscade the stated time, advanced to the back of Te Puru, destroying several whares; and Captain Cay, 70th Regiment, who had been left by Colonel Colville at the point A to cut off the retreat of the rebels towards the south, after being more or less engaged during the whole day with the flying Maories retired at the named hour (three o'clock p.m.), completing the destruction, as he returned, of every known resort of the rebel natives in this vicinity.

I released the native prisoners who had so faithfully guided Lieut.-Colonel Colville's party throughout the day; the other, sent forward to summon the rebels to surrender, never returned, but retired with his friends, who had not heeded the warning I gave them to remove their women and children, or to hoist a white flag if they wished to give in their allegiance to the Queen.

For the completeness of the success gained I am indebted to the admirable manner in which the officers commanding the several columns carried out their instructions, and to the willing, cheerful obedience of the officers, non-commissioned officers and men who composed the different parties. I would wish, however, to bring more especially to the Lieutenant-General's notice the service rendered by Major and Brevet Lieut.-Colonel T. M. Colville, 43rd Light Infantry, who, regardless of the fatigue, led, on foot, his column a distance of certainly twelve miles, the greater part of the distance through dense bush, teaching the rebel Natives here and elsewhere, that however difficult their country may be, is not impracticable to the British soldier, led by an officer of such tried merit as Lieut.-Colonel Colville.

To Major Holmes, 43rd Light Infantry, and Brevet Major Russell, 57th Regiment, who led the other columns,—Captain Cay, 70th Regiment, who was placed in a very remote and isolated position,—I am also greatly obliged; and the manner in which the companies of the 43 Light Infantry skirmished across the open fields leading to Te Puru was most praiseworthy.

Staff-Surgeon E. W. Bawtree, M.D., accompanied me throughout the whole expedition; and although his services were not actively required, he was ever ready, and attended to some severe accidents caused by the difficulties of the country.

Lieutenant C. M. Clarke, 57th Regiment, Deputy Assistant-Quartermaster-General, was my only staff-officer, and was, as he always is, indefatigable in carrying out my orders and attending to the duties of his department.

The Bushrangers, under Captain Jonas, T.M., led the advance of Lieut.-Colonel Colville's column, who speaks in terms of high praise of their steadiness and bearing.

The Mounted Corps, under Captain Mace, T.M., owing to the impracticable nature of the country for horses, were not so actively employed as usual; but during the whole march to Waingongoro and back they acted as scouts and guides, being always ready for any service.

NEW
ZEALAND.

It is with much regret I learn that many of the Local Forces have been tempted to benefit themselves by accepting the terms offered by Government to settlers on land north of the Waitara River, thereby depriving me of their services—which, however, I trust, owing to the complete dispersion of the rebel Natives from all parts of this district, will no longer be required as a military force.

I have, &c.

H. J. WARRE, Colonel
Commanding at Taranaki.

State of Force marched from Opimaki, and halted at Kapaiaia.

12th June 1865.

General Staff—Field Officer, 1; Staff, 1; total, 2.
Commissariat Staff—Staff, 1; total, 1.
Medical Staff—Field Officer, 1; total, 1.
Commissariat Transport Corps and Bullock Drivers—Sergeants, 2; Rank and File, 10; total, 12.
Royal Artillery—Sergeant, 1; Rank and File, 6; total, 7; and 6 pounder Armstrong.
Royal Engineers—Subaltern, 1; Rank and File, 1; total 2.
43rd Light Infantry—Field Officer, 1; Captain, 1; Subaltern, 1; Sergeants, 3; Drummers, 2; Rank and File, 95; total, 103.
57th Regiment—Rank and File, 2; total, 2.
70th Regiment—Captains, 2; Subalterns, 5; Staff, 1; Sergeants, 8; Drummers, 4; Rank and File, 202; total, 222.
Mounted Corps—Captain, 1; Subalterns, 2; Sergeants, 3; Drummer, 1; Rank and File, 27; total, 34.
Bushrangers—Captain, 1; Subalterns, 3; Sergeants, 5; Drummer, 1; Rank and File, 49; total, 59.
Totals—Field Officers, 3; Captains, 5; Subalterns, 12; Staff, 3; Sergeants, 22; Drummers, 8; Rank and File, 392. Total of all ranks, 445.

H. J. WARRE,
Colonel Commanding Troops,
Taranaki.

Camp Kapaiaia, June 13th, 1865.

1. The detachments noted in the margin* will parade at ten o'clock a.m., under command of Brevet Lieut.-Colonel Colville, for special service against the rebel positions at Te Pura. Each man to be completed to sixty rounds—to carry their small axes, and one day's cooked rations.
- *T.M. { Mounted Corps—Officer, 1; Non-commissioned Officers and men, 10.
Bushrangers—Officers, 3; Non-commissioned Officers and men, 53.
43rd Light Infantry—Officers, 2; Non-commissioned Officers and men, 85.
70th Regiment—Officers, 3; Non-commissioned Officers and men, 180.
Totals—Officers, 9; Non-commissioned Officers and men, 248.
2. Lieut.-Colonel Colville will march by the track leading directly inland from this camp, (as indicated in the rough sketch by the native prisoner, who will accompany the force), burn and destroy the native villages at A, and rejoin the centre column at B.
3. Should a white flag be shown at A, he will pass through the village and continue his march, but destroy nothing. He will leave the detachment of 70th Regiment, under Captain Cay, with the mounted men, at this point, to fall back upon, if necessary, and to cut off the retreat of rebels from their villages of Paroti Kekeua. The detachment 70th Regiment will remain at the point A until 3 o'clock p.m., and then retire by the same route to Warea.
4. It is intended that the Bushrangers, under Capt. Jonas, T.M., shall lead the advance; and care must be taken, should the road be blocked by palisades or rifle-pits, to turn the flanks, and not to advance directly upon such obstacles.
5. The strictest attention must be paid to orders, and no straggling allowed; two-thirds of the force must at all times be under arms ready to repel any attack, while the remainder are destroying the native positions. On arriving at any open or cleared space, the files should open out, so as not to cross the cleared ground. It must be remembered that so long as the men are in the bush they are under cover, and have the same chance as the Maori; if, on the contrary, the men remain on the open, they are exposed to the fire of an unseen enemy, and meet the Maori at serious disadvantage.
6. The column under Major Holmes, 43rd, composed as follows:—Royal Artillery—16 pounder Armstrong, 14½ in. Cohorn, and gun detachment under Sergeant Spinks, R.A.; 43rd Light Infantry—Rank and File, 100; 70th Regiment—Rank and File, 75; will proceed by the track from the Whanganui stream to the point marked B, near Te Puru, which will be taken and destroyed; but this column will not advance beyond Te Puru, unless it is found by the firing that Lieut.-Colonel Colville requires assistance, and a favourable diversion can be made by completing the attack from Major Holmes' column.
7. Brevet Major Russell, 57th Regiment, with 100 Rank and File of the 70th Regiment, will proceed by the track leading from near Warea, and place himself in ambuscade near the point C, to cut off rebel Natives retreating towards the north. Brevet Major Russell will remain in ambuscade until three o'clock p.m., and then return to Warea; or act as he may deem advisable, if the ground admits of rejoining the centre column.
8. Colonel Warre will be in command of the whole, and will accompany the centre column, under Major Holmes, which the other columns will join as soon as the positions are destroyed.

H. J. WARRE,
Colonel.

No. 34.

NEW
ZEALAND.
No. 34.COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 86.)

Government House, Wellington, July 10, 1865.

(Received September 16, 1865.)

(Answered, No. 81, October 20, 1865, page 249.)

SIR,

I HAVE the honour to state that I propose to endeavour to comply with the expectations you have expressed to me in your Despatch No. 20,* of the 27th of March last, by affording explanations as to the discrepancies between my Despatches to yourself and those of Sir D. Cameron to the Secretary of State for War.

*Vide papers
presented
6th April, 1865,
page 20.

2. I shall, however, be compelled to give these explanations under circumstances of singular disadvantage, inasmuch as I have never seen Sir D. Cameron's Despatches, and have no knowledge of their contents, except such as I can gather inferentially and obscurely from your Despatch No. 20, of the 27th of March. From the enclosed correspondence you will find that Sir D. Cameron will not furnish me with copies of his Despatches to which you have referred me; and even if I were in possession of these, I should probably know but part of the grounds on which Her Majesty's Government have formed their opinions and based their instructions to me, as I should still be left in ignorance of the contents of those confidential communications unfavourable to myself, which he now states that Her Majesty's Government have from time to time received from him.

Encl. No. 1.

3. I beg, before proceeding to give the explanations I am thus expected to furnish, to point out how extremely undesirable it is, that the system of secret correspondence thus introduced into the public service should be allowed to continue.

4. The Government and people of this Colony have made really vast efforts to aid Great Britain in the suppression of the existing rebellion here, and in placing the country in a state of security for the future.

5. To promote these objects they have raised large sums of money and considerable bodies of men; they have given their own services for the purpose, and some of them have laid down their lives; they have also purchased and maintained steamers and other vessels, and have incurred a large permanent debt. From the enclosed return you will find that in the Whanganui district alone they are, in order to aid Sir D. Cameron in his operations, incurring an expenditure at the rate of £79,896 per annum.

Encl. No. 2.

6. It would therefore, I think, be reasonable to suppose, in consideration of their losses and sacrifices, and their vital interest in the question, that if the General Officer could suggest any plan of operations which would bring the war to a speedy termination, or if he could show any errors in the system of operations that were being pursued, or suggest any improvements in it, he should, for the interests of Her Majesty's subjects here, at once, on the spot, communicate them to the local authorities, so that his suggestions, if they were good, might be without delay adopted.

7. The Governor is also injured by such suggestions being withheld from him, if they are good, for he is in that case directing that operations should be carried on upon a faulty system, whilst the means of amending this error are at hand, in the possession of his proper adviser, and are withheld from him at a fearful sacrifice to the public interests, which have during the delay which takes place been continuously conducted on an erroneous system.

8. A great injury is also inflicted on Her Majesty's Government; too probably the suggestions of the General Officer, if they are concealed from the authorities on the spot, are erroneous ones, which would have been shown to be so, if they were made known at a place where the light of local knowledge would disperse their errors; and such I confidently affirm is the fact in the present instance. In such a case Her Majesty's Government may issue erroneous instructions injurious to the interests of the Queen's subjects, upon the advice of an irresponsible person, whose suggestions remain secret and uncontradicted. They, by such instructions, raise in the Colony feelings inimical to the Home Government, injure the influence of their Governor, who appears to be useless in the country, and embarrass the Colonial Ministers. It is possible that if the General Officer participates in Colonial political feeling, the Home Government, induced to do so by secret misrepresentations, may identify themselves with one political party, to the injury of another.

9. It is also probable that a still worse difficulty will arise. Their instructions will be quite inapplicable to the circumstances of the Colony, and will clearly have been based upon erroneous information, or upon a want of knowledge. The Governor will therefore, even in the interests of the Home Government, be forced to disregard them; he will thus

appear to have taken up a position of antagonism to Her Majesty's Government, whilst the General Officer will appear to possess their confidence, and to be acting in full conformity with their views, which will really be his own, secretly directed by himself. The Governor's position in the country must thus be greatly weakened, and he will find it excessively difficult to conduct its affairs successfully.

10. In so far as I can gather from your Despatch to which I am replying, it appears that General Cameron has reported that I expected from him services which would render necessary the continued presence in New Zealand of the present force, if not indeed its increase; and that this caution of his is intended especially to apply to the operations I contemplated at Taranaki. I am then informed that Her Majesty's Government confidently expect that I will not have sanctioned any operations at Taranaki which General Cameron has been unable to approve, and that no frontier will there have been established nor settlements invited which the unassisted forces of the Colony may not be trusted to defend.

11. Speaking upon this part of the subject, I can only say, that if I had not sanctioned operations at Taranaki which General Cameron did not approve, I believe that that settlement would have been ruined; that the war would have been indefinitely prolonged, and that the Taranaki settlers would not have been in the position of supporting themselves, which they are now quite prepared to do. I feel sure that the result will be admitted by all unprejudiced persons to show the soundness of the views on which I sanctioned the proceedings at Taranaki which have been carried out.

12. With regard to my requiring from General Cameron services which would render necessary the continued presence in New Zealand of the present force, if not indeed its increase, I have to observe that an investigation of the services I required from General Cameron will show that the whole native population between Taranaki and Whanganui, men, women, and children, was about 1,500 (fifteen hundred) souls, no inconsiderable portion of whom were friendly to our interests.

13. The distance between Taranaki and Whanganui is 128 (one hundred and twenty-eight) miles, all of which, except about ninety miles, was in our own possession, and along which supplies could be landed from steamers at several points. Colonel Warre, C.B., commanding at Taranaki, wished to be allowed to advance through 94 (ninety-four) miles of this distance with a column of 600 (six hundred) men. That this was no unmeaning bravado on his part, but simply what he could well and efficiently have performed, is fully shown by what he has recently done. This left 34 (thirty-four) miles of distance for Sir D. Cameron to accomplish, 18 (eighteen) miles of which, viz. from Whanganui to Waitotara, was through a perfectly well known country in our possession. The total force the Natives could have collected between Taranaki and Whanganui could not have amounted to 800 (eight hundred) men, including their allies and chiefs and males of all ages who could have held a gun.

14. The great bulk of the Natives left on the Whanganui river, who would have been left in General Cameron's rear as he moved towards Taranaki, were our firm and fast friends.

15. The great bulk of the Natives left at Taranaki, who would have been in Colonel Warre's rear as he moved to Whanganui, were also our friends.

16. The force the Lieut.-General had at his disposal, or which would at any time in a few days have been at his disposal, will be shown by the enclosed returns of the forces at Whanganui and Taranaki to have been in officers and men as follows:—

Whanganui	-	-	-	-	4459
Taranaki	-	-	-	-	2423
					6882

besides the ordinary Militia, who could have been called out to protect their settlements.

17. Only two bodies of Natives were ever got together to oppose Sir D. Cameron, which, from statements which can be relied on, consisted, the one at Nukumarū of not 400 (four hundred) souls, the other near the Patēa of 140 (one hundred and forty) souls.

18. Sir D. Cameron however, it now appears from your Despatch of the 27th of March, had written to Her Majesty's Government informing them that I expected from him services which would render necessary the continued presence in New Zealand of the present force, if not indeed its increase, and upon the 30th of January last, following up these views, he wrote to me informing me that the engagement at Nukumarū had shown that the Natives had concentrated a large force and were likely to offer a most deter-

mined resistance to his advance through a difficult country, and he recommended that I should apply by the first opportunity for a reinforcement of at least 2,000 (two thousand) men, and for a still larger reinforcement, if, in addition to the occupation of the country between Whanganui and Patea, the road between Taranaki and Whanganui was to be opened and more land to be confiscated and occupied North of the Waitara.

19. And again on the 11th of February Sir D. Cameron wrote to me from the Waitotara, informing me that there was no person of authority at Whanganui to represent the Government, and that he recommended that myself and some Member of the Government should repair there as quickly as possible, to make ourselves acquainted with the state of affairs, and judge whether my instructions could be carried out consistently with the safety of the settlement, or whether they were to be carried out at any risk.

20. The reinforcements thus asked for would have raised Sir D. Cameron's force in officers and men at Whanganui alone (to open the last 16 (sixteen) miles of road to the Patea River) to upwards of 6,500 (six thousand five hundred), and including Taranaki to upwards of 9,000 (nine thousand) officers and men.

21. I felt it to be my duty to decline to ask for the reinforcements applied for, which I judged to be obviously unnecessary, and I did not think it right that any stop in the operations entered on should take place. Had I consented to the applications made, and had I stopped operations until reinforcements of at least 2,000 men had arrived from England, rebellions would have broken out in other parts of the island, and an enormous useless expenditure of money and loss of life would have been incurred.

22. Sir D. Cameron's views were, however, entirely discrepant from mine. On the 15th of March he informed me as follows:—

“All the reasons you mention for deciding not to apply for reinforcements are to my mind the strongest reasons why they should be applied for.” And he plainly accused me of being ready to incur almost any risk to get immediate possession of the Waitotara block, although such an idea had never in any form presented itself to my mind; and I was informed I was allowing a war to be carried on for the profit and gratification of the Colonists; that the question of the loss of British officers and soldiers was one that never sufficiently entered into my calculations; and other similar remarks were made. If any thing could have at once alarmed and dispirited troops it was knowing that their Commander believed that they were opposed to a numerous and determined enemy, with whom they were unable to cope without being reinforced by at least 2,000 men, and that the man who sent them on this service was reckless of the lives of British officers and soldiers, and was thus prepared to sacrifice their lives for the profit and gratification of the Colonists.

23. My position was necessarily a most painful one. The plan of operations I wished to be carried out, and which the result has shown would have finished the war in a month or six weeks, was rejected as absurdly impracticable; not only was this done, but I was subjected in letters to remarks of a most cutting kind, because I would not suspend operations until a useless and unnecessary force could be collected and brought to bear upon an enemy who could under no circumstances exceed 800 (eight hundred) in number, and of whom certainly not much more than half could ever have been brought to bear on any one point; and whilst this was taking place at one end of the line (Whanganui) the officer at the other end of the line (Taranaki) was offering to open the road for three-fourths of the distance between the two places with only 600 (six hundred) men.

24. Although therefore Sir D. Cameron did not approve of these operations, and in this respect I acted contrary to your wishes, I deemed it my duty to you to hold to my views. The result has been that Sir D. Cameron, after his application for reinforcements of 2,000 men, only encountered 140 (one hundred and forty) men, whilst the only other Natives in his direction are about 234 (two hundred and thirty-four) in the Weraroa Pa; and that Colonel Warre has achieved every object I proposed to attain on his side without losing an officer or man, so that in practice I have not been found to be so disregardful of the lives of British officers and soldiers as I was stated to be.

25. Looking at the present state of things, I would only request you to consider what it would now have been if in February last I had suspended operations at Whanganui, and we were now here awaiting the arrival of additional reinforcements from England of at least 2,000 men, whilst rebellion had broken out in several parts of the country; and what would have been said to me for refusing to direct a movement into a country defended by less than 800 badly armed men, until a British force had been augmented from nearly 7,000 to nearly 9,000 officers and men. Great Britain can bear up against an enormous expenditure of this kind, so uselessly entailed upon her, but a

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Colony like New Zealand, must have its resources so destroyed by it, that it is difficult to see how it can hereafter provide for its own defence. Had the General Officer here been required to acquaint me with the nature of his reports to the Secretary of State for War, on which such an expenditure was justified, I feel confident that I could by my remarks have saved large sums to the British treasury, and to the Colony.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.,
(Signed) G. GREY.

Enclosure 1 in No. 34.

SIR,

Government House, Auckland, June 8, 1865.

MR. CARDWELL in his Despatch to me, No. 20 of the 27th of March, of which he transmitted a copy to you, states that he feels the more difficulty in giving me his opinion on the important question of safety, because there appears to be a discrepancy between my Despatches and those which you have addressed to the Secretary of State for War, from which it appears, that I expect from you services which will render necessary the continued presence in New Zealand, if not indeed the increase of the present force.

I should feel very much obliged to you if you would supply me with copies of the Despatches to the Secretary of State for War to which Mr. Cardwell alludes, that I may furnish the requisite explanation on this subject to Her Majesty's Government.

The Hon. Lieut.-General Sir D. Cameron, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

SIR,

Head Quarters, Auckland, June 10, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 8th instant, requesting me to furnish you with copies of my Despatches addressed to the Secretary of State for War in January last.

I consider it inadvisable under present circumstances to comply with your Excellency's request; but, I may add for your Excellency's satisfaction, that those Despatches contained no information of which you were not in full possession at the time they were written.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut.-General.

SIR,

Government House, Auckland, June 10, 1865.

IN reply to your letter of this day's date, refusing to comply with my request to furnish me with copies of your Despatches to the Secretary of State for War, which led to the remarks made by the Secretary of State for the Colonies in his Despatch No. 20 of the 27th of March, I have the honour to state that it is of course quite clear that they could have contained no information of which I was not in possession, but I am now required to furnish explanations regarding the statements made by you in those Despatches which I am now unable to do.

I can only leave it to Her Majesty's Government to determine as to whether you were justified in secretly writing to them that which has evidently created a wrong impression in their minds, and in now shrinking from giving me an opportunity of giving explanations regarding my proceedings which I have been called upon to furnish, by refusing to acquaint me with the statements you did not hesitate to make, but dare not produce.

The Hon. Lieut.-General Sir D. Cameron, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 2 in No. 34.

RETURN of AVERAGE MONTHLY EXPENSES incurred by the COLONY in MILITARY OPERATIONS at WANGANUI for the 3 Months ending June 30, 1865.

		£	s.	d.	£	s.	d.
Staff - - - -	Major Commanding - - - -	28	10	0	173	7	6
	Adjutant - - - -	22	12	6			
	Quartermaster - - - -	14	5	0			
	Surgeon - - - -	22	10	0			
	Paymaster - - - -	22	10	0			
	Sergeants, &c. - - - -	63	0	0			
Yeomanry Cavalry - - -	Captain - - - - 1	30	0	0	541	10	0
	Cornet - - - - 1	18	15	0			
	Sergeants - - - - 3	42	15	0			
	Corporals - - - - 6	45	0	0			
	Trumpeters - - - - 2	15	0	0			
	Troopers - - - - 65	390	0	0			
Carried forward - - -							

Return of Average Monthly Expenses incurred by the Colony in Military Operations, &c.—*continued*.NEW
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						£	s.	d.	£	s.	d.		
					Brought forward	-							
Native Contingent					Captain Commanding	-			27	15	0		
					Native Officers	-			97	0	0		
					Native Adjutant	-			14	5	0		
					Guides	-			45	15	0		
					Privates	-			318	15	0		
											503	10	0
Forest Rangers					Major	-			30	0	0		
					Captain	-			30	0	0		
					Lieutenants	-			42	0	0		
					Ensigns	-			36	0	0		
					Sergeants	-			56	5	0		
					Corporals	-			72	0	0		
					Privates	-			549	10	0		
											815	15	0
Military Settlers					Captains	-			43	15	0		
					Lieutenants	-			28	10	0		
					Ensigns	-			37	2	6		
					Assistant Surgeon	-			14	5	0		
					Sergeants	-			47	5	0		
					Privates	-			603	15	0		
											774	12	6
Patea Rangers					Captains	-			57	17	6		
					Lieutenants	-			40	10	0		
					Ensigns	-			36	15	0		
					Sergeants	-			47	5	0		
					Corporals	-			66	0	0		
					Pay Sergeants	-			15	0	0		
					Privates	-			597	10	0		
												860	17
											3,669	12	6
					Pecuniary lodging and forage allowance	-			350	7	6		
					Allowance in lieu of rations	-			1,033	15	0		
					Rationing friendly Natives	-			380	0	0		
					River Transport	-			100	0	0		
											1,864	2	6
											5,533	15	0
This does not include about 300 men employed in the Commissariat Transport Corps, who cost the Government 2s. 6d. per head per day					-						1,125	0	0
Making the total month's expenditure					-						£6,658	15	0

Defence Office,
Wellington, July 7, 1865.

No. 35.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right
Hon. EDWARD CARDWELL, M.P.

No. 35.

(Separate.)

Government House, Wellington, July 13, 1865.

(Received September 16, 1865.)

SIR, (Answered, No. 77, September 23, 1865, page 236.)

I HAVE the honour to state that it is with great regret that I enclose for your information the accompanying Memorandum, which I have just received from my Responsible Advisers, informing me that immediately after the General Assembly meets upon the 24th instant, it is their intention to resign their offices.

You will find from the enclosed Memorandum that their reason for adopting this course is the line of proceeding followed by the General in command of the Forces. I cannot help fearing that great political embarrassments are likely shortly to arise. But I should prefer that you should form your own opinion on these points from the Memorandum herewith transmitted.

I have, &c.

(Signed) G. GREY.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.Memo. July 12,
1865.
F. A. Weld
and July 11.

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Encl. in No. 35.

Enclosure in No. 35.

MEMORANDUM for his EXCELLENCY the GOVERNOR.

MINISTERS, in their Memorandum of the 11th instant, stated fully the grounds on which they had come to the decision not to recommend to the Colonial Legislature to make provision for the head money claimed on account of the Imperial forces now in the Colony.

Ministers now propose to state their views on the broader question of the existing relations between the Imperial and the Colonial Governments.

From occurrences which have taken place in the Colony, and from the late despatches of Mr. Cardwell and of Earl De Grey and Ripon, it is clear that so long as the Imperial forces remain in New Zealand the Colony is and will be precluded from exercising that control over measures essential to its defence and safety, the attainment of which was one of their main objects in assuming office.

The Imperial Government issues instructions to the Lieutenant General, investing him with an absolute discretion to retain or withdraw the Imperial forces.

The Lieutenant General influences, if he does not guide, the mind of the Imperial Government by secret communications, conveying hostile criticisms on the policy and imputations on the motives of the Colonial Government, and when called upon for explanations or for information refuses to afford either.

The House of Commons concurred with the Secretary of State in approval of the policy of the Colonial Government in reference to the withdrawal of the Imperial troops, and this approval was conveyed in explicit terms by the Secretary of State to his Excellency the Governor; but, practically, the instructions forwarded to Lieutenant General Sir Duncan A. Cameron were repugnant to such approval.

In anticipation of that approval, Ministers undertook the responsibility of providing for the defence of the Colony, and were encouraged to persevere in that undertaking by the information that such anticipations had been realized. It was, therefore, with a proportionate sense of disappointment that Ministers became aware of the fact that an irresponsible authority had been established, which has set aside the Governor of the Colony and his Responsible Advisers.

In the actual conduct of operations in the field not merely have the instructions given by his Excellency to the General been disregarded, but the efforts of the Colony to bring the war to a close, by the capture of the Wereroa Pah, the centre and focus of disaffection (as admitted by high military authority), have been frustrated by military interference. The effect has been not merely to protract the war, and exhaust the resources of the Colony, but the enemy has been emboldened, his stronghold reinforced, and a new outbreak is threatened on the East Coast, the natural and obvious result of the inaction of the Imperial forces on the West Coast.

Had the Colonial Government received from the Imperial forces the hearty assistance and co-operation which they had a right to expect, or had the Colony been permitted to carry out, without interference, its policy of self-defence, Ministers believe that peace would have been ere this restored, and the Colony relieved from the burthens which at present are involving it in ruin.

In the hopes that its efforts and expenditure would not have been altogether fruitless, the Colony has continued to struggle against increasing difficulties; but, under existing circumstances, it cannot be supposed that the Colonial Ministry will recommend, or the Colonial Parliament authorize, an expenditure, fruitless in itself, and lessening day by day the means of self-defence. Ministers, moreover, insist, in reference to the expenditure of the Colony, on the rule that liability to payment and control should go together.

Ministers admit that plans for self-defence, practicable some months ago, must now be modified, as being beyond the remaining means of the Colony. Even yet the Colony, if uninterfered with, could and would protect itself. A few months of the present expenditure and present inaction may render this impossible.

The General Assembly meets on the 24th instant, when it will be the duty of Ministers, having placed before the Colonial Parliament the exact state of affairs, to tender their resignation to his Excellency the Governor, so as to replace in the hands of the Assembly a trust which they can no longer hope to carry out.

This course has been rendered necessary, not on account of any difference of opinion between Ministers and the Governor, whose constitutional support and efforts on behalf of the Colony they gratefully acknowledge,—not from any doubt of the approval of the Assembly, nor because there is cause to fear the result of their policy, were it allowed full scope,—but because an irresponsible authority, unknown to the Constitution, is maintained, which only leaves to the Colony a nominal responsibility, and a large money liability, whilst it effectually deprives it of self-government.

Wellington, July 12, 1865.

(Signed) FRED. A. WELD.

Ministers observe that in his Despatch of 27th February 1865 Her Majesty's Secretary of State for the Colonies, referring to the proposed increased rate of payment for the Imperial Troops in New Zealand, writes to the Governor as follows:—

"I shall expect to hear from you that arrangements have been made for the new and increased contribution in respect to the troops which still remain;" and that in his Despatch of 27th March, 1865, he further states "you will make it clearly understood that an appropriation on the scale contemplated by Parliament must be made for any troops who may be retained in New Zealand by the Colonial Ministers."

Since the above was written, orders have been given by the Colonial Government to their agents in London to transfer to the Imperial Government Colonial Securities to the value of five hundred thousand pounds (500,000*l.*), and Ministers trust that they may not be called upon to make further payments, for which the resources of the Colony will not enable them to provide.

On the 22nd November last, Mr. Weld submitted to his Excellency propositions in reference to the formation of a ministry, in which, after stating that he would recommend the Assembly "to request the Home Government to withdraw the whole of its land force from the Colony," he added that, pending the decision of the Home Government, he would "recommend to the Colonial Parliament that the Colony should undertake a reasonable liability for the services of troops actively engaged in the field at the especial recommendation of his Excellency's Ministers, and for such troops only."

In reference to these propositions, his Excellency stated that if a majority of the General Assembly concurred in them, it would be his duty to aid to the best of his ability in carrying them out.

On the 30th December 1864 Ministers transmitted to his Excellency resolutions adopted by both Houses of the Legislature, in which, referring to the great sacrifices entailed on the Colony by the Native insurrection, they declared,—

"That, nevertheless, the Colony is resolved to make every further possible effort to place itself in a position of self-defence against internal aggression, with a view to accept the alternative indicated by the Home Government, namely, the withdrawal of Her Majesty's land Forces at the earliest possible period consistent with the maintenance of Imperial interests, and the safety of the Colony."

In the memorandum accompanying the resolutions Ministers stated that they "saw no reason at present to prevent their policy of withdrawing the Imperial Troops from being carried into effect; that, whatever risk might attend it, they considered that it might now be undertaken with as little danger as under any circumstances likely to arise for many years to come." Ministers further submitted to the Imperial Government "that it was absolutely impossible for the Colony to increase the heavy war expenditure that already menaced New Zealand with financial ruin."

On the 20th March, Ministers recapitulated their views in another Memorandum, in which they again "advise the reduction of the Imperial force in New Zealand," and express their belief "that with the assistance of the Imperial authorities, a few months would enable them to supply, as far as necessary, the place of all the troops at present in New Zealand."

In a Memorandum of the same date, Ministers further state that "though they believe that the repression and punishment of certain rebel tribes of the Whanganui district, and the opening and occupation of their country, is an absolute necessity, regard being had to the safety of the neighbouring settlements and the peace of the island generally; they, nevertheless, have advised his Excellency to oppose the demand of the Lieut.-General for reinforcements from England (nor will they advise any operations to be undertaken which may involve the retention of Imperial forces in the Colony), and submit their opinion that a Colonial force of bushrangers and cavalry, united with the loyal Natives whose interests are identified with those of the Colonists, will be sufficient to undertake and execute all operations that are requisite."

On the 8th of April they inform the Governor that "in reference to certain statements made by "Lieut.-General Sir Duncan A. Cameron, which have been communicated by the Governor to his "responsible advisers, Ministers express their regret that the Lieut.-General should have thought "fit to attribute base and unworthy motives, and a culpable disregard for the lives of British officers "and men, to the Ministry of New Zealand, and by implication to Her Majesty's Representative in "the Colony."

"They believe that, having regard to the character of the Colony (which it is their duty to uphold), and to their own, which, as public men, is the property of the Colony, it is impossible longer to accept assistance so unwillingly rendered. Nor indeed can it be hoped that the zeal and energy (which alone can secure success or lead to any useful result in operations in the field) will be displayed by any officer, however distinguished, in support of a cause which is branded by him with such severe reprobation."

On the 26th of June Ministers wrote to the Governor as follows:—

"Ministers, whilst availing themselves of this opportunity of reiterating the expression of their respect for the gallant British Army now in this country, are of opinion that its forced inaction renders it a source of weakness to the Colony, and rather retards than promotes that peace which it was their hope ere this to have established. They believe that the political action of the Military Officer commanding has resulted in fresh embarrassment and detriment to the public service."

"Assuming the troops to be withdrawn, either at once or gradually, as the General (in exercise of the discretion placed in him by Earl de Grey and Ripon) may, with reference to Imperial interests, determine, the Colonial Government will, upon due notice, be prepared to occupy Military posts to the extent and in the manner that they may consider advisable. In the meantime it will be necessary for them to reduce to the lowest possible point an expenditure which is fruitless so long as the troops remain, and to withdraw the Colonial forces from operations over which Ministers have no control."

"Ministers again urge the withdrawal of Her Majesty's land forces from New Zealand. Their policy of internal self-defence and of self-government in all matters, excepting only such as may directly concern Imperial interests and the prerogative of the Crown, they understand to have met the approval of the Imperial Government. From the period of their assuming office, Ministers have steadily pursued that line of policy, and they now see no reason to recede from it."

No action of Ministers has modified this line of policy. Nevertheless, the Imperial forces have remained in the Colony; no reduction has taken place. For this the Colony is in no way answerable, as Ministers have consistently advised that no operation involving the retention of the Imperial land forces should be undertaken. It is true that, pending the decision of the Home Government, Ministers did request that the Imperial forces should undertake certain operations between Wanganui and Taranaki, but not so as to retard the withdrawal of the troops. Had those operations been carried out according to the plain letter and meaning of the instructions to the Lieut.-General, as conveyed in the Governor's letter of the 16th December 1864, a claim might have been preferred against the Colony for a reasonable contribution in respect to such part of the Imperial forces as was actively employed in the field upon such service. The instructions conveyed to Lieut.-General Sir D. A. Cameron were as follows:—

"The objects which the Government is anxious to attain at those places, or in their neighbourhood, are as follows:—

"The military occupation of sufficient country to give possession of the Patea River from the sea to the forest, and of the country between that river and Whanganui, so that the Waitotara road may be carried on.

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"Such occupation of the country from Tataraimaka southwards as will secure for settlement a block of land between Tataraimaka and the Stony River.

"The ultimate object aimed at by these proposed arrangements is the construction of a thoroughfare between Taranaki and Whanganui, and the establishment of military settlements at such points along that line as may be found convenient."

These instructions have not been carried into effect, and the attainment of a main object of those instructions, the capture or surrender of the stronghold of the fanatics commanding the line of road between Wanganui and Taranaki, has been frustrated by the interference of the Military authorities with the Colonial forces.

Ministers are aware that the operations undertaken and brought to a successful issue by Colonel Warre at Taranaki have in part carried into effect his Excellency's instructions of December 16. For these operations Ministers admit a reasonable liability, but they were only part of a plan which has been to a great extent marred by the inaction of Lieut.-General Sir D. A. Cameron.

For these reasons Ministers are unable to recommend to the Colonial Parliament an appropriation for the payment per annum of forty pounds per head for Imperial forces now in the Colony as claimed by the Imperial Government.

Wellington, 11th July 1865.

No. 36.

No. 36.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 89.)

SIR,

Government House, Wellington, July 13, 1865

(Received September 16, 1865.)

(Answered, No. 77, September 23, 1865, page 236.)

ADVERTING to your Despatch, No. 20,* of the 27th of March, and to the instructions Sir D. Cameron informs me he has received from Earl de Grey, by which the determination of the period of time at which five regiments can be safely withdrawn from New Zealand without endangering the results which it is the policy of Her Majesty's

Government to secure for this country, is removed from the hands of the Governor and his Responsible Advisers, and entrusted to the discretion of General Cameron, I have the honour to report that Sir D. Cameron having told me that he should be glad to know my views with reference to this reduction as soon as convenient, I informed him, as you will find from the correspondence herewith enclosed, that my view of the course which ought to be taken

General Cameron to Sir G. Grey, May 9, 1865.

Governor in reply, May 11.

General Cameron, May 12.

Sir G. Grey, May 12.

General Cameron, May 13.

Governor, May 19.

General Cameron, May 26.

Sir Grey, May 27.

General Cameron, May 31.

Sir G. Grey, June 2.

General Cameron, June 3, 1865.

in the present condition of the Colony was,—

"That a sufficient force should be collected with the least delay practicable to take the Wareroa Pa in such a manner as, if possible, to secure a marked and decided success on our part. That the local Government should then, occupying as it would an advantageous position, attempt to come to terms with the leading rebel chiefs, which I believed it could speedily do; and that then as a consequence, naturally and properly following this pacification of the country, the proposed reduction of the troops should be promptly carried out, the Colony having in the interim made such arrangements as it thought necessary for raising additional local forces to take the place of the troops which are to be sent home. In this way I thought effect might safely be given to the instructions of Her Majesty's Government."

2. I find, however, from General Cameron's letter of the 21st of June, and from his other letters, that he has resolved not to give effect to the opinions which I have expressed.

3. From other letters, which will be enclosed to you in another Despatch, you will find that a small body of fanatics being allowed to remain unassailed in the Wareroa Pa, close to the town of Whanganui, is exercising a most pernicious effect upon the Colony, and may too, possibly, involve us in another war.

4. I had hoped that as the General had so determinedly refused to allow the regular forces to undertake operations for the capture of this place, that it might have been taken by our local forces and our native allies, the latter of whom are accustomed to operations of this nature. But you will find from the enclosed copies of letters that the military authorities refused to allow them to enter on operations for this purpose; and in pursuance, I presume, of instructions issued by Sir D. Cameron, ordered them to retire to the Whanganui side of the Kai Iwi stream. I had reasons to believe that the small

Vide papers
presented
6th April, 1865,
page 20.

body of fanatics in the pa, when they found we were determined to attack them, would have at once surrendered to our friendly Natives, and negotiations were commenced for this purpose. That these reasons were not without good foundation is proved by information from a totally different quarter from that from which my own was derived, as Colonel Warre, in his letter from Taranaki of the 23d of June, states:—"The Natives occupying the Wereroa Pa have quarrelled amongst themselves, and many of them have left. Some of the hapus of the Ngatiruanui are almost entirely destroyed, and all are anxious to make terms with his Excellency." But you will find from the enclosed letter that these negotiations were broken off; the military authorities having stated that no terms of surrender could be settled without the sanction of the senior military officer of the South-western district.

NEW ZEALAND.

Col. Warre,
June 23, 1865.Capt. Ross to
Col. Secretary,
June 28, 1865.Kapa Rangihui
Wanganui,
June 27, 1865.

5. It is thus evident that the proceedings of General Cameron, when viewed in connexion with your instructions, and those of Earl de Grey in reference to the withdrawal of the troops, render me entirely powerless in this matter.

6. My Responsible Advisers, as you will find from the enclosed Memorandum which they have transmitted to me, affirm, in reference to these proceedings, that, whilst they reiterate their feelings of respect for the gallant British army now in this country, they are of opinion that its forced inaction renders it a source of weakness to the Colony, and rather retards than promotes that peace which it was their hope ere this to have established. They believe that the political action of the military officer commanding has resulted in fresh embarrassment and detriment to the public service, and they again urge the withdrawal of Her Majesty's land forces from New Zealand.

7. Under these circumstances I have written to Sir D. Cameron and have informed him that I withdraw any advice that I may have given to him in reference to the removal of the troops, although the views I have expressed regarding the condition of the Colony, and the impolicy of his proceedings, are only confirmed by recent events, and that I altogether withdraw from a matter in which no power whatever has been left to me by him, and in which my opinions are entirely disregarded; and that I enclose him a copy of the memorandum by my Responsible Advisers regarding the withdrawal of the troops, as embodying the wishes of the Ministry of the Colony of New Zealand; and I beg that he will without delay act on his own discretion in regard to the instructions which he has received from Earl de Grey on the subject of the withdrawal of the troops from New Zealand.

Mem. by Mr.
Weld,
June 26, 1865.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosures in No. 36.

Encl. in No. 36.

General CAMERON to Sir G. GREY.

SIR,

Head Quarters, Auckland, May 9, 1865.

I HAVE the honour to inform your Excellency that I have received by this mail a Despatch from the Secretary of State for War, communicating to me the wishes of Her Majesty's Government that five regiments should, as soon as possible, be sent home from this country, and I shall be glad to know your Excellency's views with reference to this reduction as soon as convenient.

I have also been directed to offer encouragement to the soldiers of those regiments which are to return home to take their discharges with a view to settling in the Colony, and I have been instructed to put myself in communication with your Excellency on this subject.

His Excellency Sir G. Grey, K.C.B.
&c. &c. &c.

I have, &c.
D. A. CAMERON, Lieut.-General.

Sir G. GREY to General CAMERON.

SIR,

Government House, Auckland, May 11, 1865.

ADVERTING to my letter of the 1st instant, I have the honour to state that, having consulted with my Responsible Advisers, I find that they agree with me in thinking that the instructions already issued regarding operations in the country between Taranaki and Whanganui are sufficient. I was also yesterday made acquainted with the nature of the instructions issued to you by the Secretary of State for War upon the 27th of February last, and I should not now think it right to interfere with the large discretion left to you by issuing any additional instructions at the present time.

I will only add that I still adhere to my opinion that it would be desirable to allow Colonel Warre to advance along the coast from Warea towards Whanganui. And with regard to the question you have raised in reference to the Wereroa Pa in your letter of the 1st of May, I would add that I cannot see

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any objection that could exist to the temporary reduction of some and the abandonment of others of the posts we occupy for the purpose of enabling you to attack that position if you determine to do so.

The Hon. Lieut.-General Sir D. Cameron, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

General CAMERON to Sir G. GREY.

SIR,

Head Quarters, Auckland, May 12, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 11th instant, informing me that your Responsible Advisers agree with you in thinking that the instructions already issued to me regarding operations in the country between Taranaki and Whanganui are sufficient, and also that you do not think it right to interfere with the large discretion left to me by the Secretary of State for War by issuing any additional instructions at the present time.

With reference to the sufficiency of the instructions already issued I beg to observe that those of the 16th December were to the effect that certain territory north of Whanganui to the Patea river should be occupied by Her Majesty's troops. Your Excellency's subsequent instructions, personally given to me at the Patea, and before the occupation of the territory up to that river was completed, were that the troops were to occupy the coast line beyond the Patea as far as possible towards Taranaki.

In your letter of the 17th ultimo, your Excellency stated that it was your wish that all the posts we occupied between Taranaki and Whanganui should be maintained throughout the winter. In your letter of yesterday you state that you cannot see any objection that could exist to the temporary reduction of some of the posts, and to the abandonment of others, to enable me to attack the Wereroa Pah if I should determine to do so.

These several intimations of your Excellency's wishes and opinions appear to me to be at variance with each other; and although your Excellency and your Responsible Advisers still consider the instructions of the 16th December to be sufficient, they were virtually set aside, and rendered impossible of fulfilment, by the later instructions received from your Excellency at the Patea.

Your Excellency is aware that since writing my letter of the 1st May I have received instructions from Her Majesty's Government for the return of five regiments to England as soon as possible. On receiving these instructions I addressed to your Excellency my letter of the 9th instant, requesting to be favoured with your Excellency's views on the subject of the reduction, to which letter I have as yet received no reply.

From the second paragraph of your letter of yesterday, I am led to infer that it is your Excellency's intention to leave with me the entire responsibility of deciding the time and manner of carrying out this reduction; and as the Colonial Ministers have on several occasions expressed their desire for a reduction in the number of Her Majesty's troops in New Zealand, and in a Memorandum on the defence of the Colony, addressed to your Excellency on the 20th March, have stated their opinion that a few months will enable them to supply the place of the whole of the troops at present in the Colony. I propose to give immediate instructions for the relief of the 65th Regiment, on the Waikato frontier, and for their embarkation for England as soon as tonnage can be provided.

To carry out the instructions of Her Majesty's Government it will be necessary to withdraw the regular troops from some lately formed posts in the Taranaki and Whanganui provinces as well as from Tauranga.

It is my desire, however, to effect the reduction, as far as possible, in concert with the views and plans of the Colonial Government, and I have therefore to request that your Excellency will inform me whether the Colonial Government are making any and what arrangements to relieve the regular troops which it will be necessary to withdraw.

It is very desirable that I should receive information on this subject with as little delay as possible.

With reference to the last paragraph of your letter I would observe that any movement of troops must be altogether dependent on the time and manner in which the instructions of Her Majesty's Government for a reduction of the force are carried into effect.

His Excellency Sir G. Grey, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON, Lieut.-General.

Sir G. GREY to General CAMERON.

SIR,

Government House, Auckland, May 12, 1865.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, informing me of the several intimations of my wishes regarding your operations in the country between Taranaki and Whanganui appearing to be at variance with one another. I am unable to discover in what respect they are contradictory. They cannot indeed be said to be intimations of my wishes, for I believe in each instance previous to my letter of the 17th ultimo, I was informed that what I wished could not be done with the force at your disposal, or at that of Colonel Warre; and I simply, as I believed was the best for the public service, acquiesced in your doing that which I understood you to profess your willingness and ability to do.

If the supposed variance in the intimation of my wishes rests upon the fact that on the 17th ultimo I stated that I wished that the posts which we occupied between Taranaki and Whanganui should be maintained throughout the winter, and that in my letter of the 11th instant I stated that if you determined to attack the Wereroa Pa, I could see no objection that could exist to the temporary reduction of some of the posts, and to the abandonment of others, I cannot see any variance between these opinions. The fall of the Wereroa Pa would render the maintenance of some posts unnecessary, and I believe it would be but a short operation, the troops engaged in which could again take up any posts they temporarily abandoned if their occupation was found necessary after the Pa had fallen.

In reference to the intimation you give me that you intend to give immediate instructions for the

embarkation of the 65th regiment, and that you intend to carry out a further reduction of four regiments, as the Colonial Ministers have on several occasions expressed a desire for a reduction in the number of Her Majesty's forces in New Zealand, I would observe that the instructions issued by Lord de Grey, as I understand them, are, that it is left to your discretion to determine the period at which the proposed reduction can be carried into effect with safety, and without endangering the results which it is the policy of Her Majesty's Government to secure. In this there is no reference to the opinions of Colonial Ministers, which may vary much from time to time; and in a matter which relates to the safety of a part of Her Majesty's possessions, and the security of the lives and properties of Her subjects, for which I am responsible, I think it right to act on my own judgment.

In reference to the intimation you give me that to carry out the reduction you propose to make in Her Majesty's forces in this Colony, it will be necessary to withdraw the regular troops from some lately formed posts in the Taranaki and Whanganui Provinces, as well as from Tauranga, I beg to state that if you will be good enough to inform me at any time that in your opinion the proposed reductions, or any part of them, can be carried into effect at any particular date with safety, and without endangering the results which it is the policy of Her Majesty's Government to secure, and will at the same time inform me what available force of regular troops will remain in the Colony after such reduction has taken place, I will then determine what is the distribution of this force which will in my opinion best secure the safety of the Colony, and will issue orders for such distribution being carried out.

I will not fail from time to time to acquaint you with all measures that my Responsible Advisers may inform me they are taking with a view to raising local forces, and I can assure you that in my belief the Colonial Government are prepared in every way in their power to facilitate the reduction of Her Majesty's forces now serving here from time to time as this can be safely done.

I have, &c.

(Signed) G. GREY.

The Hon. Lieut.-Gen. Sir D. Cameron, K.C.B.
&c. &c. &c.

General CAMERON to Sir G. GREY.

Sir, Head Quarters, Auckland, May 13, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of yesterday in reply to mine of the same date.

With reference to the 1st paragraph, I have only to say that the occupation of the line of coast between Whanganui and Taranaki was first proposed to me by your Excellency, and that you intimated to me as your wish that I should proceed with that occupation, notwithstanding my having explained that I did not consider the force at my disposal sufficient to carry it out completely. I adhere to my statement that those instructions virtually set aside your previous instructions of the 16th December, and rendered their fulfilment at that time impossible. I do not think that the second paragraph of your Excellency's letter calls for any reply.

In reference to that part of your Excellency's letter which relates to the reduction of the force, I find it difficult to comprehend your Excellency's exact opinion as to the large discretionary power which you stated in your letter of the 11th instant was given me by the Secretary of State for War.

I beg, however, to inform you that the 65th regiment may, in my opinion, be embarked for England with safety, and without endangering the results which it is the policy of Her Majesty's Government to secure (as I understand them) as soon as tonnage can be provided.

Immediately after the embarkation of the 65th, a second regiment may, in my opinion, be withdrawn from the Colony, unless some unforeseen emergency should arise; but to carry out this further reduction, it will be necessary to withdraw the regular troops from the positions they occupy beyond the Patea.

I have, therefore, to request your Excellency will inform me whether there is, in your opinion, any reason why these arrangements should not be carried into effect.

I wait to recommend any further immediate reduction until I hear from your Excellency what measures the Colonial Government are taking to facilitate the withdrawal of the troops.

I have, &c.

(Signed) D. A. CAMERON,
Lieut.-General.

His Excellency Sir G. Grey, K.C.B.,
&c. &c. &c.

Sir G. GREY to General CAMERON.

Sir, Government House, Auckland, May 19, 1865.

IN reference to the letters you have written the last few days, addressed to me on the subject of the instructions received from Her Majesty's Government regarding the reduction of the force serving in this Colony, I have thought it right to forward my opinion to you at some length on the question, as on it depends the whole future welfare of New Zealand, and in a large degree the interests of the Home Government.

I will first allude to the force which appears, in your opinion, to have been requisite for the defence of this Colony at the date of the receipt of the recent instructions.

I have been on more than one occasion during the last few months informed by you that a reinforcement of about 2,000 men to the regular troops was considered necessary even for the occupation of the country between Whanganui and the Patea.

I have also been repeatedly requested by you to increase the number of the local forces as a necessary augmentation to the regular troops now serving in the country.

On the 15th of March last you informed me that the submission of the rebel natives never appeared to you so far off as it then was.

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On the 17th of March you considered the force at Taranaki so insufficient for its protection, that, upon my wishing to withdraw 200 military settlers from that place to Whanganui, you only acquiesced in this being done upon the understanding that myself and the Government were responsible for the safety of the settlement, and of the small forts occupying the country round it.

On the 17th of March you also informed me that the country north of Whanganui to the Patea could not be subdued without taking possession of the Wereroa Pa, and that nothing but the capture of that position was necessary to gain us possession of that country, but that the position was so formidable that you did not think it advisable to attack it with the force you had.

I was on more than one occasion informed by you that Colonel Warre's force was barely sufficient to hold the country it occupied, and that he consequently could not move southward to co-operate with you.

On the 3d instant I was informed that Brigadier-General Carey's force in the Waikato country could not be further reduced, and that his reports bore out your views as expressed in your letter of the 22d ultimo. That although the order I had given for moving 100 men from the Waikato district to Whanganui had been carried out, it appeared that the force on the Waikato frontier had been unduly reduced, looking at the unsettled state of the native tribes near that frontier.

On the 1st of May, when you had arrived in Auckland, you informed me that a sufficient force could not be collected to attack the position without abandoning some of the posts we occupy, but that it would in consequence be advisable to add to the security of the settlement of Whanganui by constructing a new post in the vicinity of Nukumarū.

Early in this month I am informed through you that, from the weakness of some of the posts in the Waikato country, Brigadier-General Carey was only surprised that the natives had not already committed murders at the military settlements, and that Colonel Greer thought it probable that our allies the Arawa, inhabiting the country near Tauranga, would be shortly attacked by a strong combination of hostile tribes.

On the 8th instant the mail from England arrived at Auckland; and on the 12th instant you informed me, in relation to your letter of the 9th instant, that you had received instructions from Her Majesty's Government for the return of five regiments to England as soon as possible, and that you proposed to give immediate instructions for the relief of the 65th regiment on the Waikato frontier, and that to carry out the remaining portions of the instructions of Her Majesty's Government it would be necessary to withdraw the regular troops from some lately formed posts in the Taranaki and Whanganui Provinces, as well as from Tauranga.

Up to the beginning of the present month I did not take so gloomy a view of the state of affairs as you did, but I nevertheless now think that the fact of our having left untouched up to the present time the Wereroa Pa, occupied in force by an enemy so close to the important settlement of Whanganui, and this avowedly because we could not collect a sufficient force to attack it, has had a prejudicial effect upon the Natives, and has rendered our position in this country worse than it was some time since; and I think if a force of two regiments can be immediately collected, and shortly an additional force of three other regiments, for the purpose of sending them out of the Colony, and of thus reducing the force in this country, an overwhelming force could certainly be collected for the purpose of reducing the Wereroa Pa in a manner which might entail but trifling loss upon ourselves, and a large loss upon the enemy.

My opinion is that if you carry out the reductions you inform me you intend to carry out in the manner you state, that you will plunge New Zealand into greater difficulties than it has yet had to encounter; and will delay indefinitely the pacification of the country, and bring about a new conflict of races, the end of which cannot be foreseen, and probable delay for a long period of time any permanent reduction of the force in this country.

I do not understand the instructions you have received to be, as you have stated in your letter of the 12th inst., instructions for the return of five regiments to England as soon as possible, but instructions that five regiments are to return when such a measure can be carried into effect with safety, and without endangering the results which it has been the policy of Her Majesty's Government to strive to secure.

To determine the period of time when this can be done with safety is certainly, by the terms of Earl de Grey's instructions, left to your discretion. But no mention is made of your being authorized to determine how the portion of the force left in this country is to be distributed, and what places are to be retained, and what places are to be abandoned. To assume the power of determining these questions is, although you have probably overlooked this fact, to violate the terms of my commission, and the instructions under which we are jointly acting, to assume the entire government of the country, to place it in a position of the greatest difficulty, and then to leave to myself and the local Government the whole responsibility for its future safety, and thus to entail new responsibilities on Her Majesty's Government in relation to New Zealand, which I do not think they are prepared to undertake.

I have said that I have not taken so gloomy a view of the state of affairs as you appear to have recently done. I believe that large numbers of natives were prepared to submit to the Government. I think that they have in some measure been led to pause in this intention from what has taken place in regard to the Wereroa Pa, and the rumours which have for the last two months been circulated of the intended withdrawal of the troops, but I still think much may shortly be done to bring about the submission of many of their leading men.

My own view of the course which ought to be taken in the present circumstances of the country is that a sufficient force should be collected with the least delay practicable to take the Wereroa Pa in such a manner as, if possible, to secure a marked and decided success on our part. The local Government should then, occupying as it would an advantageous position, attempt to come to terms with the leading rebel chiefs, which I believe it could speedily do, and that then, as a consequence naturally and properly following the pacification of the country, the proposed reduction of the troops should be promptly carried out; the Colony having in the interim made such arrangements as it thinks

necessary for raising additional local forces to take the place of the troops which are to be sent home. In this way I think effect might safely be given to the instructions of Her Majesty's Government.

I have expressed in this letter my own views of the momentous question which now occupies our thoughts, without reference to my Responsible Advisers, but have given my opinions as an Imperial officer, and for what I believe to be the common interest of Great Britain and the Colony.

The Hon. Lieut.-Gen. Sir D. Cameron, K.C.B.

&c.

&c.

&c.

I have, &c.

(Signed) G. GREY.

Lieut.-General CAMERON to his Excellency the GOVERNOR.

SIR,

Head Quarters, Auckland, May 26 1865.

I HAVE the honor to acknowledge the receipt of your Excellency's letter of the 19th instant relative to the instructions lately received from Her Majesty's Government regarding the withdrawal of five regiments from the Colony.

In the first part of your letter your Excellency alludes to the force which you state I considered requisite for the defence of the Colony at the date of the receipt of the recent instructions; but I beg to observe that the letters which you have quoted for the purpose of showing that my opinions on that subject have changed were written at a time when the troops were engaged in operations for the occupation of a large tract of country, and for the establishment of an extended line of posts not necessary for the defence of the Colony, and which it is contrary to the spirit of the recent Despatches from Mr. Cardwell that the troops should continue to occupy.

Those letters do not in any manner indicate my opinion as to the force requisite for the defence of the Colony at the present time.

It is therefore almost unnecessary that I should notice that part of your Excellency's letter.

I would, however, observe with regard to Taranaki, that when a detachment of 250 men of the 70th regiment was withdrawn from that station in February last, it was represented to me by Colonel Warre that that small reduction of his force would oblige him to remain on the defensive, and that, should the rebels show themselves in strength, he might be obliged to call out a portion of the militia. It is not surprising, therefore, on a further reduction of his forces by the withdrawal of 206 military settlers by your Excellency, without consulting Colonel Warre or myself, that I should have made the remark alluded to in the 6th paragraph of your letter, or that I should have stated, as you mention in the 8th paragraph, that Colonel Warre's force was barely sufficient to hold all the country it occupied, and that he consequently should not move southwards to co-operate with me.

Since then the state of affairs at Taranaki has admitted of the establishment of two additional posts on the coast to the North and South of the settlement: and Colonel Warre reports that if the Ministers are in earnest about dispensing with the services of the regular troops they cannot do better than try the experiment at Taranaki.

In regard to the Waikato frontier, I expressed no opinion myself in my letters of the 22nd April and 3rd May regarding the sufficiency or otherwise of the force stationed on that frontier, but I thought it my duty to let you know the opinion of Brigadier-General Carey, the officer in command. I believe that no disturbance is to be apprehended in that quarter, where not a shot has been fired since the suspension of hostilities more than a year ago.

I also thought it right to forward for your information the report I received from Colonel Greer, of an intended attack upon our allies the Arawas, but I believe that Colonel Greer considered such an attack improbable, as I did. If any disturbance should occur at Tauranga, it will probably arise from the uncertainty in which the Natives have been long kept in respect to the confiscated land.

With reference to the Weraroa Pa, I stated in my letter of the 17th March alluded to in the 7th paragraph of your letter, that when I was at Nukumarū in January I did not think it advisable to attack the pa with the force I then had. Between that time and the 17th March, reinforcements arrived at Whanganui from other parts of the Island; and, as far as the strength of the force was concerned, the pa might have been attacked at the latter date.

The remark alluded to in the 5th paragraph of your letter was made by me, in reply to an opinion you had expressed in a private letter of the 13th March, and which appeared to me not warranted by the state of affairs at the time, viz., that everything that was taking place led you to the conclusion that the natives would soon submit in nearly all parts of the Island.

Without taking a gloomy view of the state of affairs I have never been so sanguine on that respect as your Excellency.

I can see no reason to expect that the natives will ever make a formal submission: and I think that all we can hope for is, that the punishment we have inflicted on some of the rebel tribes will induce the others to remain quiet for the future.

I need take no further notice of the passage you have quoted from my letters, which as I have observed, have little or no bearing on the question of the withdrawal of the troops, which must be decided with reference to the present state of affairs, and to the recent instructions from Her Majesty's Government.

I have alluded to the present state of Taranaki, the Waikato frontier, and Tauranga, and I know of nothing that has occurred in other parts of the Island since the beginning of the present month to justify the opinion that our having left the Weraroa Pa untouched has had a prejudicial effect upon the Natives, and rendered our position in the country worse than it was before. With reference to this subject, however, I beg to remind your Excellency that on the 17th of March I wrote to you, offering to attack the pa, if you wished it, but was directed by your letter of the 22nd March to continue to advance towards Taranaki, as far as the means at my disposal would admit, and to let

you know when I found that I could not get further than some particular point, in order that the Colonial Government might determine what it would do; that on the 7th April, having occupied the coast as far as the Waingongoro, and having only about 800 men remaining, I applied to you for further instructions agreeably to your request, and was informed by your letter of the 17th April that you would communicate with me on the subject when you had had an opportunity of conferring with your Responsible Advisers, that not hearing from you again from that date to the 29th April I proceeded to Auckland for the purpose of receiving your instructions, and to be at hand to furnish you with any information you might require; that I arrived in Auckland on the night of the 30th April, and on the 1st May addressed a letter to your Excellency, explaining the object of my coming to Auckland, and a note expressing my readiness to wait upon you, to which communications I received a letter in reply (the tone of which greatly surprised me at the time, but was no longer a matter of surprise after seeing the Memorandum addressed by Ministers to your Excellency on the 8th April,) conveying no instructions, but intimating to me your wish, and that of your Responsible Advisers, that the Colony should in future carry on certain operations from its own resources, and informing me that after due consideration you would again communicate with me; that on the 9th May I informed you that I had received instructions from England for the withdrawal of 5 regiments, and requesting that you would acquaint me with your views on the subject; that I afterwards received from you three letters, dated 11th, 12th, and 19th May, the last of which alone contained an answer to my inquiry; and I must again observe that your letter of the 11th May, sanctioning the temporary abandonment of some of the posts, was in contradiction to your former letter of the 17th April, which gave me no discretion on that point. After all these delays you now propose that the Wereroa Pah should be attacked at this inclement season of the year, when such an operation must be extremely harassing to the troops employed in it. The settlement of Wanganui is in no real danger from the Wereroa Pah, although as long as it is occupied by the Natives a somewhat larger force will be requisite to ensure the protection of the settlement than if the position were in our hands.

In regard to your Excellency's proposal to collect with as little delay as possible a sufficient force to take the Wereroa Pah, I must inform your Excellency that I consider it impossible to take that position by any formal operation in such a manner as your Excellency wishes; viz., so as to secure a marked and decided success, inflicting a large loss on the enemy, and sustaining but a trifling loss ourselves. I believe that in any formal attack on this position (which, it must be remembered, cannot be surrounded, and from which the Natives can effect their escape at any moment) our loss would most probably be heavier, much heavier perhaps, than that of the enemy, and that under such circumstances the mere possession of the place would not be followed by the important advantages which it is your Excellency's desire to attain. On the contrary, it is possible that its capture with a loss on our side exceeding that of the enemy might have an injurious moral effect on the Natives, and, instead of hastening their submission, encourage them in postponing it.

It is indeed a matter of surprise to me, that any one with a knowledge of the country between Whanganui and Taranaki can entertain a hope of striking a decisive blow there. The nature of the country forbids the idea; and if Her Majesty's troops are to be detained in the Colony until one is struck, I confess I see no prospect of their leaving New Zealand.

As we have now entered on the rainy season, I am not prepared to concur in your Excellency's opinion that the siege of the Wereroa Pah would at such a time be of necessity a short operation. And with reference to your Excellency's remark that an overwhelming force would be collected for reducing the Pah, because I propose the immediate withdrawal of two regiments, and, as you state, shortly of an additional force of three other regiments, I must remind your Excellency that I have expressed no opinion as to the time at which any reduction beyond the proposed one of two regiments can take place. The consideration of any further reduction, I informed your Excellency, I postponed until I was made aware what steps the Colonial Government were taking to provide for the defence of the Colony.

Experience has shown me that it is not generally desirable to attack such positions as the Wereroa Pah in a formal manner by a large force openly assembled for the purpose. The Natives, glad of the opportunity of fighting us with all the advantages as to position on their side, assemble from all parts of the country, and, having defended the position to the last moment, effect an easy escape into dense forest, where it is impossible to follow them.

An immediate formal attack therefore on the Wereroa Pah, at a time the most unfavourable in point of weather, and when the Natives are in all likelihood best prepared, is in my opinion, unadvisable.

I have, however, to inform your Excellency that before I received your letter of the 19th instant I had sent Brigadier-General Waddy instructions to form a post near Nukumarū to strengthen the position of the settlement of Whanganui. The establishment of this post will also be useful in the event of a formal attack on the Pah being undertaken by your Excellency's desire.

I have further given Brigadier-General Waddy permission to surprise or make a sudden attack on the place, if he considers that the information he may receive as to the number of Natives in it justifies him in so doing. It is not impossible that the close proximity of this post to the pah may of itself cause the abandonment of the position or its surrender by the Natives.

Looking, however, to the nature of the recent instructions received by me from the Secretary of State for War, and to the terms of Mr. Cardwell's last despatch which your Excellency received by the last mail, and a copy of which was forwarded to me, I see no grounds in your Excellency's letter of the 19th instant to induce me to alter the opinion stated in my letter of the 12th instant as to the extent of the reduction that should at once take place.

After that reduction I still propose to wait to see what steps the Colonial Government are taking to dispose of a further number of Her Majesty's troops.

In naming the places from which the troops might be withdrawn, I could have had no intention of violating the terms of your Excellency's commission, or of assuming the Government of the Colony. It was impossible, I submit, in proposing any reduction, not to take into consideration the places from which the Imperial troops could best be withdrawn, and it did not appear to me that some of the posts in the Whanganui and Taranaki districts were those which, in the absence of Colonial forces to relieve the regular troops, it was most desirable to abandon.

It will be, however, for your Excellency of course to decide whether troops can be better spared from other places, and it will be also for your Excellency to intimate to me your wishes, as to the distribution of the force remaining in the country.

I do not anticipate any of the serious results foreboded by your Excellency as likely to follow the withdrawal of two regiments, any more than I should look for the submission of the Natives, and the pacification of the country, as likely to result from their detention from an attack on the Wereroa Pah.

My conviction is, that, except there exist other grounds than those mentioned in your letter of the 19th instant for detaining the whole of the troops in the Colony, the withdrawal of one regiment, and of another directly after it, can be effected with safety, and without endangering the results which it is the policy of Her Majesty's Government, as I understand it, to secure. This is my opinion. But I think it right at the same time to add that if, as Governor of the Colony, you are satisfied that the withdrawal of any part of Her Majesty's troops until the capture of the Wereroa Pah has been effected will entail the serious consequences you have stated, it will be my duty to obey any instructions you may give me to detain them, and to comply with and carry out to the best of my ability any directions which, after this expression of my opinion regarding the expediency of attacking the Pah, you may think fit to give me for undertaking the siege of that position, or any other military operation which your Excellency may consider necessary for the defence of the Colony.

Having now stated fully my views on these subjects, the responsibility for the detention of the two regiments which I propose to send home, as well as for undertaking any operation on which the troops are to be employed, will rest with your Excellency.

His Excellency Sir G. Grey, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut.-General.

P.S.—I omitted to mention that I have ordered Brigadier-General Waddy to move a small column along the coast from the Waingongoro towards Opunaki, to meet and communicate with another column under Colonel Warre from Opunaki, but without forming any additional posts.

D. A. CAMERON, Lieut.-General.

SIR G. GREY to General D. A. CAMERON.

SIR,

Gort House, Auckland, May 27, 1865.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, in reply to mine of the 19th instant.

It is not necessary for me to remark at any length upon the first part of that letter. I would only observe that I think that a reference from the letters from your department of the 3rd of May will show that I was informed that General Carey's reports bore out your views regarding the Waikato frontier. And in reference to the statement that you thought it right to forward for my information the report you received from Colonel Greer of an intended attack upon our allies the Arawas, but that you believe that Colonel Greer considered such an attack as improbable as you did, I have thought it right to put up a copy of Colonel Greer's letter which you transmitted to me. I can read that letter in no other sense than that he thought such an attack highly probable; and I think if yourself and Colonel Greer believed it to be improbable it would have been right to have told me so at the same time that such a letter was forwarded for my information.

I would then remark that in saying that my letter of the 17th April gave you no discretion regarding the temporary withdrawal of troops from posts, I think you have overlooked the ample general power given to you on this subject in my letter of the 5th of February last, which powers have never been directly or indirectly cancelled or diminished. The words which conveyed those powers were:—

“With regard to your moving troops from Wellington to Taranaki I think the understanding should be that you remove the troops from place to place as you think necessary. You can, with our present means of communication easily send them back again if you find they are more necessary at one point than another, or if I wrote to you to ask you to do so; and it will leave you full liberty to act as you think best for the public service when you know that you have this power. Having said this, I, of course, entirely concur in what you have already done.”

I think also that the general tenour of my letters to you was such that no instructions I might have given ought to have restrained you from doing anything which would have tended to the suppression of rebellion or the security of Her Majesty's subjects. Others must judge whether there is anything in my letters or instructions to you which could have such a discouraging effect; but of this I am quite certain, that if I had unwisely or wrongly issued instructions which might have had such an effect that you might have had entire confidence if you had with the force under your command done that which was right and for the good of Her Majesty's service, that the unanimous approbation of the British Government and of your countrymen would have supported you in having done so, whether it was or was not in conformity with any letters I had written to you.

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With regard to the remark you make, that after all these delays I now propose that the Wereroa Pa should be attacked in this inclement season of the year, I feel assured that a perusal of the correspondence will show that the delays in attacking that position (if it was proper to have done so earlier) has throughout originated with yourself, and that I have never thrown any delay or obstacle in the way of your attacking it.

The whole of your observations relating to the danger of bodies of Natives assembling to be ready to fight us under circumstances advantageous to themselves in the event of our attacking a fortified position, appear to me to apply with still greater force to the case of a fortified position left close to an European settlement, watched by large bodies of troops in redoubts, ready to attempt a surprise or sudden attack upon the place,—which is the position in which the Wereroa Pa is now left.

It appears, however, that although we are furnished with an army so numerous that it is proposed shortly to send five regiments out of the country, with the finest artillery in the world, and with abundance of all those appliances which science has recently added to our means of carrying on operations against an enemy, and with the power of embodying native allies, there is within a few miles of the European town of Whanganui a position occupied by between two and three hundred of the enemy, and that it is impossible to take that position by any formal operation in such a manner as to secure a marked and decided success.

Whilst such is the case, I fear that the enemy, emboldened by what is really so great a success on his part, will become still bolder and more daring when, in the face of this, a large reduction is made in the force serving in the country.

But there appears from your letter to be an additional reason why we should not attempt to attack this place, viz., because it is possible that its capture with a loss on our side exceeding that of the enemy might have an injurious moral effect on the Natives, and encourage them in postponing their submission, or, in other words, in continuing the war. If this is correct, it is with regret I should find that the presence of so large a force in the country for more than two years has ended in placing the country in a position of such insecurity. Nor can I see how the lives and property of Her Majesty's European subjects, or of Her Native allies, can be regarded as being so free from danger that the force in this country can be reduced, when, close to an important European settlement, it is impossible to attack a small body of enemies who hourly threaten it, lest we experience such a reverse as may augment instead of diminishing the existing danger in this country.

I admit that the arguments used would show that we should not venture at so great a risk to attack the place; but, on the other hand, they seem to show that the force here should not, at such a time, be reduced.

The power of determining the period at which the force in this country is to be reduced has been left by Her Majesty's Government solely in your hands. In giving you my opinion in the unreserved manner I did in my letter of the 19th instant, I think I interfered with the discretion confided to you to the fullest extent that I was justified in doing. I have carefully reperused the last paragraph but one of that letter. I find that I could not express more clearly my opinion of what, in my belief, would best secure the safety of this country and the fulfilment of the instructions of Her Majesty's Government. The telegrams received last night and this morning regarding the intended submission of W. Thompson and his people tend to confirm me in thinking that the conclusions which I expressed in my letter to you of the 19th instant are sound; and I am not able to add anything to that letter which would, in my belief, either assist you in coming to a decision, or promote the advantage of the service; I shall, therefore, not attempt to add anything to it.

All I would ask is, that you would, as soon as you can, come to a decision as to what you intend to do, and acquaint me with it, that I may then, with such means as are at my disposal, do my best to secure the safety and peace of this part of Her Majesty's possessions.

The Right Hon. Lieut.-Gen. Sir D. Cameron, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Lieut.-General CAMERON to his Excellency the GOVERNOR.

SIR,

Head Quarters, Auckland, May 31, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 27th instant, on the subject of the withdrawal of troops from the Colony.

There is little in that letter, except the last paragraph, which calls for a reply.

As, however, your Excellency has referred to your private letter of the 6th of February last, to show that you had given me a discretionary power to move troops from place to place as I thought necessary, I beg to state that I could only consider that power given to enable me to have at my disposal the means of carrying out your instructions in the most effective manner, not to render me independent of those instructions, still less to empower me to act in opposition to them. The letter in question was written before you instructed me to occupy the coast line between Whanganui and Taranaki, and when, in pursuance of those instructions, I had established entrenched posts, to the continued occupation only of which I could suppose you attached importance, when in answer to my inquiry you intimated your wish that they should be maintained throughout the winter. I could scarcely consider myself at liberty to abandon them afterwards, even temporarily, without your sanction, for the purpose of carrying out any plan of my own.

It appears to me somewhat strange for the Governor of a Colony to give the officer commanding the troops instructions for a certain object, and afterwards to inform him that he would have received

the unanimous approbation of Her Majesty's Government and his countrymen if he had done something else that he thought better.

With reference to your remarks as to the expediency of now attacking the "Wereroa Pah," I would observe that the numerous army which you state to be at present in the Colony (and which I may remark is distributed in posts or lines amounting to some hundreds of miles in length), with the finest artillery in the world, and abundance of scientific appliances, is not wanted for such an operation as an attack on the Wereroa Pah; and were the army in the country much more numerous than it is, I should consider it unadvisable at the present time to assemble a large force for a formal attack on this position, by which there is, in my opinion, no reasonable ground for expecting that the advantages your Excellency desires could be obtained.

I stated my opinion fully on this subject in my last letter, and expressed my readiness to attack the position, if, after the expression of those opinions, you thought proper to instruct me to undertake the operation.

As your Excellency, however, still confines yourself to the expression of opinions in which I find it impossible to concur, and leaves the decision of the question to me, I must exercise my own judgment as to the time and manner of getting possession of the place, and I shall not allow myself to be influenced by remarks, however disparaging, to undertake an operation, for the success of which I alone am responsible, in a manner which I do not fully approve.

Under any circumstances I consider that the capture of the Wereroa Pah at the present moment, is not of sufficient importance to justify the detention of the whole force in the Colony after the instructions received from Her Majesty's Government.

I see no reason to alter the opinion I have already expressed, that the time has come when the force in the country may be reduced with safety; an opinion strengthened within the last few days by the submission of William Thompson, "the king," and other leading men, on whom it must be satisfactory to your Excellency to find that the fact of the Wereroa Pah having been left untouched had not had the prejudicial effect which you supposed.

As your Excellency considers that the power of determining the period at which the force in the country is to be reduced has been left by Her Majesty's Government wholly in my hands, I beg to inform you that I will give immediate orders for the discharge of the soldiers of the 65th Regiment, who are to remain in the Colony, and for the withdrawal of the remainder from the Waikato frontier to Auckland, for embarkation, to be followed as soon as possible by the 70th Regiment from Taranaki; and I shall feel obliged by your acquainting me with any change you may consider necessary in the distribution of the other troops in consequence of the removal of these two regiments.

Having regard to the favourable report made by your Excellency in your Despatch, addressed to me on the 20th instant to the Secretary of State for the Colonies, relative to the state of Taranaki, I entertain the hope that a third regiment may be withdrawn in a short time after the departure of the above-named regiments. I will, however, give your Excellency due notice when I consider it advisable to make this further reduction, and I hope that in the meantime your Excellency will urge on the Colonial Government the necessity of their being prepared for the removal of this and the remaining regiments of the five ordered to return to England.

It will assist me in the performance of the duty entrusted to me by Her Majesty's Government, if your Excellency would furnish me from time to time with any important information that may bear on the question of the reduction of the force.

I have, &c.

His Excellency Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) D. A. CAMERON, Lieut.-General.

Sir G. GREY to General D. A. CAMERON.

SIR,

Kawan, June 2, 1865.

I HAVE to the honour to acknowledge the receipt of your letter of the 31st ult. on the subject of the intended reduction of the force serving in this country.

I would remark, in the first place, in reply to your observations that a large force is not wanted for such an operation as an attack on the Wereroa pa that I made the statement I did in my letter of the 27th ult. in some degree in deference to your own opinion, which you had formerly strongly pressed upon me, that you could not attack it with a force of less than 2,000 men. My own judgment, however, upon the whole, rather went with your opinion as now stated than with the one you formerly held.

I would next state that my own view of the present state of the Colony is that if we act deliberately and wisely effect can be given to the instructions of Her Majesty's Government for the reduction of the force here without incurring any danger, and so as to secure the permanency of the peace which now seems likely to be established. On the other hand, I believe at such a moment as this, when the Natives are beginning to submit, and the Colony seems in many parts settling down, hurriedly to reduce the force here, is for the sake of securing a few months in time, and to save no expense, to hazard most unwisely the continuance of the war in some places, its renewal in others, and its commencement in hitherto peaceful districts. I believe that there has been no period in the history of the country when it would be more unwise or unnecessary hurriedly to reduce the force serving here at the present instant.

I therefore, so far as any power rests in me, protest against such a risk being uselessly incurred.

I beg to observe that I cannot relinquish to you, in making the contemplated reductions, the power (which it appears, from your letter to which I am replying, you are about to exercise) of ordering the march of troops through the country, of abandoning such posts as you may think fit, or of

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reducing their establishment. This involves the most important considerations, on which the whole future safety of the Colony, and the cost of its defence, will depend. You will, therefore, be good enough not to issue any orders in relation to such subjects without my sanction previously obtained.

If you will from time to time inform me what regiments you propose to send home, and will furnish me with a state of the force in New Zealand at the time, and of their distribution, I will then, after consultation with my Responsible Advisers, lose no time in informing you in what manner I may think it requisite that the force which may be left should be distributed, and orders can then be given for the march of the troops who are to be sent home, in such a manner that their withdrawal from the posts they occupy may harmonize with their relief by other troops, or with the future distribution of the forces, which I may think necessary. I beg that you will be good enough, if you intend to reduce the 65th Regiment at once, to furnish me with such a state, as I have above asked for, in order that I may determine by what other detachments they may be relieved.

The Hon. Lieut.-General Sir D. Cameron, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Lieut.-General Sir D. A. CAMERON to Governor Sir G. GREY.

SIR,

Head Quarters, Auckland, June 3, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 2nd instant relative to the reduction of the force in the Colony.

I adhere to the opinion I have constantly expressed that a gradual reduction of the force may and ought to be commenced at once in pursuance of the instructions recently received from England; but as I cannot suppose that Her Majesty's Government, in leaving the time and manner of carrying those instructions into effect to my judgment, expected that I would act in defiance of so strong a protest from the Governor of the Colony as that which your Excellency has made in your last letter, I consider it my duty not to take any steps for the discharge of the soldiers of the 65th or, for the embarkation of that regiment for England, until you intimate to me that you consider the time come when troops may be withdrawn from the Colony without incurring the serious risks adverted to in your letter.

Your Excellency's observation regarding the force considered by me necessary to attack the Wereroa pah hardly calls for notice; but if you refer to my letter again, you will find that you have misquoted it, and that I have not stated that a large force or a force of 2,000 men, would not be required to attack the Pah, but that I consider it unadvisable at the present time to assemble a large force for a formal attack on that position.

His Excellency Sir G. Grey, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut.-General.

Capt. THOS. McDONNELL to Major C. C. ROOKES.

SIR,

Camp Okehu, June 21st 1865.

I HAVE the honour to communicate to you that the Maoris are most anxious to go to the Wereroa pah. They have to-day sent two messengers demanding immediate peace, and upon their return will start at once, when I shall feel bound to follow them.

To Major C. C. Rookes.

I have, &c.
(Signed) THOS. McDONNELL,
Capt. Com. N.C

P.S.—It is with great difficulty that I have prevented their departure to-day.

Lieut.-Col. W.R. LOGAN to the OFFICER COMMANDING LOCAL FORCES.

SIR,

Wanganui, June 23, 1865.

I HAVE the honour to acknowledge your letter No. 327, and enclosure, received last evening, and have to inform you that the Brigadier-General Commanding entirely disapproves of the Native Contingent attempting any operation against the Pah at Wereroa, or that they should have crossed the "Kai Iwi."

If failure or any disastrous consequences ensue, you will be held responsible not having carried out the instructions contained in my letter No. ¹⁷/₆₅ it being a matter of little importance where the men were encamped at present, so long as they were on this side of the "Kai Iwi."

You will be good enough to direct Capt. McDonnell not to allow a man to pass the "Okehu."

The Officer Commanding Local Forces,
&c. &c. &c.
Wanganui.

I have, &c.
(Signed) W. R. LOGAN,
Lieut.-Col,
Govt. Agent.

Major C. C. ROOKES to the GOVERNMENT AGENT, Wanganui.

SIR,

I TRANSMIT herewith the copy of a letter received from Captain McDonnell, Commanding Native Contingent, which perhaps you will submit to the Brigadier Commanding, and inform me what his orders are in respect of the same.

The Government Agent, &c., &c.,
Wanganui.

I have, &c.
(Signed) C. C. ROOKES,
Major Commanding W.M. District.

Major C. C. ROOKES to the D. A. A. GENERAL, Wanganui.

SIR,

I HAVE the honour to state that I this day marched the troop of Yeomanry Cavalry under Captain Percy, and the Native Contingent under Captain McDonnell, and stationed them on the Okehu cliffs, just above the cutting, and commanding the approaches to and from Nukumarū, and, until it is decided what is to be done with this force, I purpose (if the Brigadier General has no objection) they should remain there.

The D. A. A. General, &c., &c.,
Wanganui.

I have, &c.
(Signed) C. C. ROOKES,
Major Commanding W.M. District.

G. F. VON TEMPSKY to F. WELD.

MY DEAR SIR,

ACCORDING to your instructions I planned, in conjunction with Rookes and McDonnell, an early advance upon the Wereroa.

The Imperial Government would not let the Natives come to Nukumarū, and Logan did his best to prevent this movement. He ordered them to Woodall's Redoubt, into an untenable and useless position. We sent them to Okehu, whence the Natives started yesterday for Pakaraka. I was to have joined them in the evening here. Logan cut off their commissariat in the meantime. Messengers sent by Chief Paipai (who accompanied McDonnell) reported that the Pah intended to surrender to us. In the meantime a white flag was flown from the Pah, and we hurried last night here. Colonel Trevor demanded my company to the Pah. I sent my men into the bush—waited for McDonnell; but the night coming on and the Natives not making their appearance, we rode up to the palisading of the Pah, where a messenger from McDonnell awaited me to say that in the morning he would settle everything.

We returned. In the night McDonnell went up to the Pah, and got some rebel Natives to come to his camp. They then said they would give up the Pah to him. In the morning Colonel Logan arrived here with his own messengers, and has now spoilt the whole thing. The Natives at once became suspicious, and are now holding back. They may yet surrender, but they will only do it to McDonnell and his chiefs.

Logan has just behaved as I expected,—first thwarted active measures, and then tried to avail himself of their results.

I remain, my dear Sir,
Very disgusted,
Yours very truly,
(Signed) G. F. VON TEMPSKY.

The Honourable F. Weld,
Wellington.

P.S.—McDonnell sends the letter of submission enclosed.

P.S.—Answer of the Wereroa unfavourable. The Contingent then decided to fight. I enquired of Colonels Trevor and Logan whether I should support in case of disaster. No! The Contingent would attack alone. Logan forced McDonnell to keep them back by the word (order) of the Governor.

In consequence of all which I hereby tender my resignation of my command.

G. F. VON TEMPSKY.

MEMORANDUM of Events that took place on the 23rd and 24th of June at Pakaraka, and in front of the Wereroa Pah.

Wanganui, June 25, 1865.

ON receipt of Colonel Logan's letter No. 21/2, 23/6-65, I proceeded to the Okehu, and found on arrival that the Native Contingent under Captain McDonnell had left for Pakaraka, to which place I hastened, and found them dancing the war dance. I informed them of the Government Agent's order relative to their return, and which they did not seem to notice; I was informed that on Hori King's arrival at that place with friendly Natives who accompanied the Contingent, that a white flag had been hoisted at the Wereroa, and that a letter had been received by Hori Kingi (copy enclosed) to the effect that Pehimana and his people were ready to surrender, and inviting Hori Kingi and his people to come there. This was about 3½ p.m. on the 23rd. I then hurriedly by pencil note informed the Government Agent of the Contingent refusing to return, and also that I was accompanying them to the Wereroa.

The Contingent, preceded by Hori King and the women and children of the tribe, arrived at about 6 p.m. in front of the Pah, and were told that we were not to come in that night, but the next day, and to go back and remain at Mainini about 800 yards off, which we did. Shortly after Captain

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McDonnell was sent for by the Chief to go into the Pah. During his absence I despatched a messenger to General Waddy, C.B., with the intelligence. Captain McDonnell was met on the road by some women and men, who told him to return; that a messenger would be sent to talk, and that in the morning he should come in. Shortly after his return to our bivouac, a messenger came from the Pah, and after a "korero" with the principal chiefs of our party returned.

About 6½ a.m. of the 24th, I was awakened by our Natives cheering in the English style, and was informed that it was in consequence of Pehimana having sent in to say that the Pah would be surrendered, and that he would be at our place of bivouac directly. About 7 o'clock Pehimana, preceded by his two wives, one bearing a kit of potatoes, and the other a white flag, was seen approaching,—Pehimana unarmed, and with submissive bearing and gestures. A tangi ensued, and then a korero, and arrangements were made that Captain McDonnell, Hori Kingi, Kemp (a captain in the Native Contingent), and myself should go with Pehimana into the Pah. Just at this time I turned round, and, to my extreme disgust, observed Colonel Logan, Colonel Trevor, and several officers of the 14th Regiment, with a cavalry escort of the Military Train, approaching. I knew by Pehimana's manner that he thought he had been betrayed. At the same time a party of armed Natives made their appearance from the Pah, alarmed, I presume, by the appearance of this unnecessary display. To make matters worse, Mr. Charles Broughton, who had accompanied Colonel Logan, passed one of our sentries, with the intention, I believe, of riding up to and getting into the Pah first. The Pah Natives ordered him back. A short time after this Pehimana said he would return and inform his people what had taken place. We waited two or three hours. He returned and informed us that after what *had taken place*, Hori Kingi and his people might go back; that he would *not surrender*. The Contingent wished there and then to attack the Pah. Major Von Tempsky asked Colonel Logan, if they did, whether he would (as Government Agent) authorize the Colonial force under his command supporting the Natives. He refused to do so, and also refused their being supplied with rations. Colonel Logan having informed me that he intended remaining there a week, or until the Pah surrendered, and the Natives having expressed their determination to dance the war dance and attack the Pah, I informed Colonel Logan of it, and that if they did I should remain with them. He then rescinded his resolutions of remaining, got on his horse, and told Captain McDonnell that, in the name of the Governor *who had ordered it*, the Natives were to go the other side of the Kai Iwi. On hearing this from Captain McDonnell, the Contingent at once expressed their willingness to obey the Governor's word, put on their clothes, and marched back, and are now encamped on the "Mohana block" between that river and the Kai Iwi, where they intend to build a Pah.

Major Von Tempsky was so disgusted at the termination of the affair, caused by Colonel Logan's interference, that he encloses herewith his resignation.

Captain McDonnell also told me that the same cause would destroy the Contingent; and two Chiefs, Humana and Meti Kingi, told me this morning that had not Colonel Logan made his appearance we should have had the Pah in another hour. I know that Pehimana would not have objected to give the Pah up to Hori Kingi and Captain McDonnell, and to have it occupied by the Native Contingent and settler soldiers, but he objected to give to Imperial troops what they have never even attempted to take, and from which they were checked by the results of the battle of Nukumaru, where both sides with equal loss claimed the victory.

Hon. F. A. Weld,
Colonial Secretary,
Wellington.

(Signed) CECIL ROOKES,
Major Commanding W.M. District.

Capt. McDONNELL to Sir G. GREY.

SIR,

I HAVE the honour to enclose a letter from certain Chiefs in the Wereroa Pah, which will be delivered to you by

Hori Kingi,
Tamati,
Meti Kingi,
Kawana Paipi.

They will explain to your Excellency all matters connected with the events that have transpired during the last week.

I am credibly informed that had the Natives not been restrained by Colonel Logan from attacking, the Pah would have surrendered, as preparations were being made for its evacuation by the rebels. Captain and Adjutant Ross, who was present with Major Rookes with the Natives before the Pah, accompanies the Chiefs herein named, and will wait with them on your Excellency immediately on their arrival.

His Excellency Sir G. Grey, K.C.B.,
&c. &c. &c.
Wellington.

I have, &c.
(Signed) THOS. McDONNELL,
Captain Commanding Native Contingent.

Capt. ALFRED ROSS to the COLONIAL SECRETARY, Wellington.

SIR,

WITH reference to a conversation I had with you this day as to the business before Wereroa Pa on the 24th inst. I have the honour to inform you that Lieut.-Colonel Logan told Major Rookes in my hearing that "of course no terms of surrender could be settled without the sanction of

Wanganui, June 28, 1865.

Brigadier-General Waddey," referring to the negotiations for peace then going on between the friendly chiefs and the rebels at Wereroa.

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The Hon. the Colonial Secretary, Wellington,
&c. &c. &c.

I have, &c.
(Signed) ALFRED ROSS,
Capt. and Adjutant W.M.D.

Col. H. S. WARRE to the ASSISTANT MILITARY SECRETARY.

SIR,

New Plymouth, June 23, 1865.

IN continuation of my report dated the 18th instant, I have the honour to inform the Lieut.-General, that by the arrival of Ramako, a rebel Native, who, with his wife and four children, came up from Waimato on the 20th instant, by the road at the back of the mountain, and surrendered to Major Saltmarshe at Tearei, I have received information that the Natives named in the margin were killed in the skirmish with the mounted men, near Opunaki, on the 1st instant. All these Natives belong to the Titai section or Hapu of the Lower Taranaki tribe.

I am also informed that Tikaokao, the Mōkan chief, with 80 followers, has offered to surrender to Mr. Parris, and to return peaceably to his own district, if the Governor will consent to these Natives coming back with Mr. Parris.

It appears that the Ngatiruanui are very tired of the war, and are very seriously alarmed at the return of the troops to Nukumarū.

The Natives occupying the Wereroa Pa have quarrelled amongst themselves, and many of them have left; some of the hapus of the Ngatiruanuis are almost entirely destroyed, and all are anxious to make terms with his Excellency.

I have also learnt that the body of Private Jury, 43rd, was not removed. Nothing was left on it but a shirt, and it was thrown into a swamp, where it has hitherto escaped detection.

I have no information from Warea since the destruction of the rebel Natives' position at that place on the 15th instant. The Natives are supposed to have now congregated further down the coast, at or near Waitaha.

The Assistant Military Secretary,
&c. &c. &c.

I have, &c.
(Signed) H. S. WARRE, Colonel,
Commanding at Taranaki.
June 24, 1865.

P.S.—The enclosed letter was received from Opunaki last night, after the mail steamer left for Auckland. The writer, "Ngamoke," is not known, but he evidently alludes to the letter forwarded with my confidential report of the 18th instant. Captain Horan also reports from Opunaki, date June 22, that the men who arrived with Hori Pihama on the 15th instant, and were allowed to communicate with Manilia, returned on the 18th, but the three men who went on to Warea had not returned. These Natives confirm the first statement that all the Natives on this coast (the Taranaki Natives) are asking to come in and make peace.

In the absence of Mr. Parris, I have considerable difficulty in communicating with the Natives down the coast.

(Signed) H. S. WARRE, Colonel,
Commanding at Taranaki.

MEMORANDUM.

MINISTERS have considered the correspondence between the Governor and Lieut.-Gen. Sir D. A. Cameron, which has been laid before them by his Excellency on his return from Auckland.

They thank the Governor for his vindication of the right of Ministers to defend their policy and the honour of the Colony from attack, with all the publicity they may think fit,—a right essential to Constitutional Government, and the exercise of which in this case was a duty and a necessity.

They agree with the Governor that his instructions to Lieut.-Gen. Sir D. A. Cameron have not been carried into effect. The country between Whanganui and Patea River is not in our possession, and the defiant attitude of a few hundred fanatics at Wereroa Pa, in the immediate presence of a British army, and commanding the main line of road between Wanganui and Taranaki, the very Waitotara road which it was the object of the Government to carry on, has renewed the confidence of the hostile Natives, not only in their superior prowess, but also in the supernatural powers which their prophet claims to possess. As the means at the disposal of the Lieut.-Gen. are, in his opinion, insufficient to enable him to capture the Wereroa Pa, Ministers, whilst availing themselves of this opportunity of reiterating the expression of their respect for the gallant British Army now in this country, are of opinion that its forced inaction renders it a source of weakness to the Colony, and rather retards than promotes that peace which it was their hope ere this to have established. They believe that the political action of the military officer commanding has resulted in fresh embarrassment and detriment to the public service.

Assuming the troops to be withdrawn either at once or gradually, as the General (in the exercise of the discretion placed in him by the Earl de Grey and Ripon) may, with reference to Imperial interests, determine, the Colonial Government will upon due notice be prepared to occupy military posts to the extent and in the manner that they may consider advisable. In the meantime it will be necessary for them to reduce to the lowest possible point an expenditure which is fruitless so long as the troops remain, and to withdraw the colonial forces from operations over which Ministers have no control.

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Ministers again urge the withdrawal of Her Majesty's land forces from New Zealand. Their policy of internal defence and of self government in all matters excepting only such as may directly concern Imperial interests and the prerogative of the Crown, they understand to have met the approval of the Imperial Government. From the period of their assuming office, Ministers have steadily pursued that line of policy, and they now see no reason to recede from it.

Wellington, June 26, 1865.

(Signed) FRED. A. WELD.

GOVERNOR GREY.

(Translation.)

Whanganui, June 27, 1865.

THAT is a word of mine to you respecting the difficulty between the Militia (Native contingent) and the soldiers, who are carrying their dispute.

Col. Logan, Charles Broughton, and Col. Waddy, but two of them are going to you, Arapeta Roti, Hori Kingi, Kawana Tawhitorangi, Mete Kingi, and Tamati Puna are going to give expression to our side of the story.

The cause of this jealousy is our going to Te Wereroa. Had not this trouble been occasioned by Charles Broughton and Colonel Logan we had got to the pa, for Hori Kingi was not willing that any other Pakeha save McDonnell should accompany us to the pa, that is to Wereroa. So then, it was on account of jealousy that Hori Kingi and Mc Donnell did not enter into the pa. On account of that did Pehimana speak to us that we should come to town with the letter of those people; that letter was to Hori Kingi and others.

Ended.

(Signed) KEPA RANGIHINUI, Capt.

No. 37.

No. 37.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 90.)

Government House, Wellington, July 14, 1865.

(Received Sept. 16, 1865.)

SIR,

(Answered, No. 75, Sept. 21, 1865, page 230.)

Mr. Wardell's letter, June 28, 1865.

Horopapera's letter, June 29, 1865.

Mokena's letter to Mr. Halze, June 29, 1865.

Mokena's letter to Mr. Maclean, June 29, 1865.

Whikiriwhi's letter, June 29, 1865.

Mohi Tene's letter, June 29, 1865.

Henare Potae's letter, June 1865.

I HAVE the honour to transmit for your information copies of the letters noted in the margin, showing that war parties are moving from several points to encourage the fanatics left in the pa at Wereroa to hold out, and to aid them, and also showing that the fanatics who were despatched from the Wereroa Pa to the east coast, and who aided in the murder of Mr. Volkner, have raised a part of the population there, and are attacking those Natives who are friendly to us.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,

(Signed) G. GREY.

&c.

&c.

&c.

Encl. 1 in
No. 37.

Enclosure 1 in No. 37.

SIR,

Wairarapa, June 28, 1865.

REFERRING to my letter of the 20th instant, I have the honour to report that Ngairo left Kohikutu on the 22nd instant for Waitotara, accompanied by Wi Waka, Matiaka Mokai, Te Wenerei, of Ngatirangitaitaia, and others, amongst whom was a son of Manihera's.

I enclose for your information copies and translations of letters from Te Ua and Wi Hapi which have come into my possession.

Te Rangihiroa and party are still at Hinewaka.

I have, &c.

The Honourable the Native Minister,
Wellington.

(Signed) HERBERT WARDELL, R.M.

TO KARAITIANA.

Tanivi, Kenana, June 7, 1865.

FRIEND, Salutations to you. This is a question of mine to you about the reports from your place which we have heard, that the Maoris and Europeans are disputing about the Haupaimarire.

Friends, this is my word, hearken; that work must be included in the work of the Governor, for Te Ua's and the General's day is at hand. All things in dispute about the name of the Haupaimarire must be taken to Waitotara, for that is the time the disputes will be (made) right or wrong.

Enough.

HA WI HAPI.

To Ngairo and the Runanga also.

Tainui Kenana, June 7, 1865.

Friends, salutation to you under the influence of Rura, that is the Pai Marire. Harken; my second mail has returned which I dispatched to Te Ua; he returned from Taupo. Watihi arrived, and Wirenui Te Rangianake has also arrived; they came to fetch me. When the days of June have expired I will go with my followers, they will number 100 or 50. If affairs are satisfactory at your place you must go to Te Wereroa. The Pooti (probably post) to your place has been stopped by me. The reason is that Te Tui has gone to Wereroa, but when we return from there we will "Pooti." You must come with my children when this letter reaches you. On the 12th day I will return to Kai Iwi. I will go perhaps before the end of June. You must come in the meantime. You can look at Te Ua's letter.

Enough from your loving friend,

WIRENUI HAPI WITI PATATE.

Wereroa, Waitotara, April 20, 1865.

My dear friends who are living to the South, thence to the coast. Maoris and Europeans live quietly. If the Maoris and Europeans wish they must come here to witness my work and the General's. Friends, let the Maoris and Europeans live quietly (pai marie). Friends, the Maoris who have died number 53. The Europeans who have died are numberless. These Maoris died at all the battles at Waitotara.

To the Chiefs of Rangitikei, Manawatu, Otaki, Porirua, Wellington, Heretanuga, Wairarapa.

From TE UA HAUMENE.

„ TAKANA TIKAKAO.

Enclosure 2 in No. 37.

Putiki Wharanui, June 29, 1865.

Encl. 2 in
No. 37.

To McDonnell.

“ Hori Kingi.

“ Melte Kingi.

“ Tamati.

“ Kawana.

FRIENDS, a letter has come from Noa Te Ranhihi to let us know of the army of Ngatika-hungunu, Atiawa, and Ngatiraukawa which are coming by way of Otara. On the 1st of July they intend making an advance towards Wereroa.

From me,

HOROPAPERA.

Enclosure 3 in No. 37.

FRIEND MR. HALSE,

Waiapu, June 29th, 1865.

Encl. 3 in
No. 37.

SALUTATIONS. Your letter of the 5th May has reached me, informing me of your having sent some of the Governor's Proclamations affecting the Paimarires. Do you hearken, we have now suffered two great reverses at the hands of the Hauhaus, and twice has the love of Mr. McLean been manifested to us, but you all (Government) have not evinced any feeling for me, that is for me and my people, your doing is continued cautious towards me. When have I (done otherwise than have) lived quietly on the law, that you should regard me with suspicion and my tribe also?

But now, therefore, O friend, join you altogether with Mr. McLean in taking thought for us; send us soldiers and everything required in fighting. The Hauhaus of Taraniki and elsewhere, are here carrying their word into effect with regard to us, viz., that we be annihilated—but now be quick, be quick, be very quick.

Your loving friend,

MOKENA.

WIKIRIWHI MATEHE.

ARAPETA HAENGA.

HAMIORA TAMANUI.

HOHEPA TE RORE.

HOTENE TE HORO.

Mr. Halse, Wellington.

Enclosure 4 in No. 37.

Encl. 4 in
No. 37.

To Mr. McLEAN.

MY DEAR FRIEND,

Waiapu, June 29, 1865.

SALUTATIONS to you, the steamer has been here to look at us.

O my friend, we have suffered defeat, but our greatest disaster is the taking of the pa by the Hauhaus: but what of it, the Hauhaus have fallen, many of them have fallen.

Now, O friend, quickly send some soldiers to assist us, let them come quickly—at once—and the munitions of war likewise.

May God protect us.

Your loving friend,

MOKENA.

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Encl. 5 in
No. 37.

Enclosure 5 in No. 37.

To MR. McLEAN.

MY BELOVED FRIEND,

Waiapu, June 29, 1865.

I SALUTE you. The steamer has come hither to look after us. Friend, we have had a collision, but greater has been the loss of the Hauhaus. Speedily send hither some soldiers to reinforce us. Make haste, lose no time.

From your loving friend,

WIKIRIWHI.

Encl. 6 in
No. 37.

Enclosure 6 in No. 37.

To MR. McLEAN,

Waiapu, June 29, 1865.

My beloved friend, I salute you. The steamer arrived on this day. Know you that we have fallen. It occurred on the 27th instant. Our pa Tikitiki has been captured by the Hauhaus, that is to say, they have (retaken) the pa which we captured from them. This was a smart affair. Our loss was eight killed and four wounded. The women and children were all captured by the Hauhaus. However, the Hauhaus lost many more than we did.

This is my word to you, that is to say from the whole (loyal) community, do you manifest your sympathy with us, for the whole body of Hauhaus from Taranaki even unto Opotiki have gathered together to (attack) Waiapu; they have all come hither to fight against us. Send hither some soldiers or militia to assist us. Let them come at once speedily; lose no time. Send also a supply of arms. O friend McLean, McLean, let your appeal to the Council (Runanga) be very urgent that they would very speedily send hither some soldiers, and everything necessary for carrying on this war. Farewell, O my beloved friend, may God protect us together; and preserve us in the midst of the confusion which has fallen upon his church.

From your loving friend,

MOHI TUREI.

I appreciate the expression of your friendly feeling towards me, and pray God to protect you also.

Encl. 7 in
No. 37.

Enclosure 7 in No. 37.

To MR. McLEAN,

Tuparoa, June, 1865.

My loved friend, I salute you. Here we are engaged upon the work which has come upon us. There has been a collision. Of the Hauhaus four were killed; one of them was a chief, Nepo, a grandson (nephew) of Te Mokena, and a younger brother (cousin) to me. One of the loyal Natives was wounded in the leg (or foot). Mr. Deighton and myself are still awaiting the arrival of the steamer, that we may speedily receive intelligence and feel relieved. The loyal Natives have assembled together. One pa is at Tuparoa, another at Waiapu, that is to say, at Tikitiki. The fighting pa is at Tuparoa, and the pa for communicating with the steamers. The loyal Natives of Uawa and along the coast to Tokomaru are living peaceably. They cannot pass through to Waiapu, because the Maori King party of Tokomaru have katid (barred) the road. Neither can the Maori king party pass into Waiapu, because the way is closed by the loyal Natives at Tuparoa. There is nothing further to communicate from these parts. We are still daily employed in our work. There is not a day without fighting. We do nothing else but fight.

No more,

From your loving friend,

HENARE POTAE.

No. 38.

No. 38.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 91.)

Government House, Wellington, July 14, 1865.

(Received September 16, 1865.)

(Answered, No. 81, October 20, 1865, page 249.)

SIR,

Sir D. Cameron
to Sir G. Grey,
July 7, 1865.

I HAVE the honour to transmit copies of a letter and its enclosure which I have just received from Sir D. Cameron, stating that he has reported to Earl de Grey that the Colonial Ministers are guilty of improprieties in corresponding with officers under his command, and that he has reported the irregularity I thus allow to the Secretary of State for War.

2. I beg that you will assure Earl de Grey, that neither myself nor any Member of the Colonial Ministry would be guilty of any impropriety in corresponding with any officer under General Cameron's command.

3. In this instance Martial Law prevailed in the Province of Taranaki, under the provisions of which the officer in command there exercised extraordinary powers. The state of peace now prevailing there fortunately admitted of my revoking the Proclamation establishing Martial Law which had been issued by my predecessor. I therefore issued another Proclamation for this purpose, and to prevent the senior military officer at Taranaki from committing any illegal acts under the old Proclamation

after the new one was published, an authenticated copy of the new one was sent to him by the Colonial Secretary, and care was taken that it should only be made public there by himself, or under his directions.

4. It is difficult to imagine how this can constitute a grave offence of impropriety and irregularity, which it is necessary to report for the information of the Secretary of State for War, or why in a country involved in all the difficulties which spring from Civil War, the minds of the authorities should be disturbed by such a question. It should be borne in mind that General Cameron is at Auckland, distant from the seat of Government, and the point where disturbances prevail, and if he is in every instance to be applied to, all action must be paralyzed.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure in No. 38.

From Sir D. A. CAMERON to Sir G. GREY.

Encl. in No. 38.

SIR,

Head Quarters, Auckland, July 7, 1865.

I HAVE the honour to forward to your Excellency a letter received by Colonel Warre from the Colonial Secretary, and which the former has very properly referred to me for instructions, and I shall feel obliged if you will point out to the Members of the Colonial Ministry the impropriety of their corresponding with and giving instructions to officers under my command.

I have already had occasion to draw your Excellency's attention to irregularities of this kind, and also to report them to the Secretary of State for War.

In order to prevent any inconvenience to the public service, I have desired Colonel Warre to forward a copy of the Colonial Minister's letter and the proclamation to the Superintendent of the Province.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON, Lieut.-General.

COLONIAL SECRETARY to Colonel WARRE, C.B.

SIR,

Colonial Secretary's Office, Wellington, July 1, 1865.

I HAVE the honour to enclose a copy of a Proclamation dated the 1st July 1865, by his Excellency the Governor and under the seal of the Colony, revoking the Proclamation of martial law in the province of Taranaki from the 1st of August next.

You are requested to cause such Proclamation to be published in the local newspapers, and also to ask his Honour the Superintendent of Taranaki to cause it to be published in the Provincial Government Gazette.

Colonel Warre, C.B.,
&c. &c.
New Plymouth.

I have, &c.
(Signed) J. C. RICHMOND.

No. 39.

No. 39.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 92.)

Before Wereroa Pa, July 19, 1865.

(Received October 16, 1865.)

(Answered, No. 86, October 26, 1865, page 251.)

SIR,

I HAVE the honour to transmit for your information copies of a correspondence between myself and Brigadier-General Waddy, C.B., from which you will find that from the nature of the orders issued to him by Lieut.-General Sir D. A. Cameron he cannot undertake, without reference to him, an operation which an immediate danger renders necessary.

2. Lieut.-General Cameron is, in point of time, distant from ten days to a fortnight, or perhaps more, from this place. I fear that if an experienced Brigadier-General and the Governor of the Colony cannot, in a time of emergency, undertake, with the forces under the command of the Brigadier, an operation necessary to prevent a new rebellion from arising, it will be difficult for me to induce the Colonists to pay for forces which are, in times of difficulty, practically useless. I trust that Her Majesty's Government will be pleased to direct the Officer in command of the forces in New Zealand to give a

Sir G. Grey to
Brig.-Gen.
Waddy,
July 19, 1865.
Brig.-Gen.
Waddy in
reply, July 19,
1865.
Sir G. Grey to
Brig.-Gen.
Waddy,
July 19, 1865.
Brig.-Gen.
Waddy in
reply, July 19,
1865.

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much larger discretionary power to the Brigadier-Generals under his command, or, at least, to reside at the seat of Government of the country, or at the point where hostilities are likely to break out.

To the Right Hon. Edward Cardwell, M.P.,
&c. &c. &c. I have, &c.,
(Signed) G. GREY.

July 18, 1865.
July 18, 1865.

P.S.—I transmit herewith for your information the copy of a memorandum I have drawn up, detailing the events which have passed here during the last few days; and I have the honour respectfully to request your attention to the concluding paragraphs of that memorandum, from which you will see in how unprecedented and difficult a position I have been placed by the orders which Sir D. A. Cameron has issued to Brigadier-General Waddy.

Enclosure 1 in No. 39.

SIR,

In front of the Wararoa Pa, July 19, 1865.

INFORMATION which I have just received from various parts of this Island satisfies me that the worst possible effect is being produced by the murderers, fanatics, and turbulent Natives who hold the Wararoa Pa being permitted to remain unmolested for so many months close to a British settlement in the presence of a large British force.

If some steps are not at once taken for the capture of the Pa I am sure the result will be renewed rebellion on the part of the fanatics in many parts of New Zealand. In fact, they have already risen to assist the fanatics, or broken out into revolt in several places.

Under these circumstances, before determining what steps should be taken for the immediate capture of the Pa, I wish to know whether the instructions under which you are acting from Lieut.-General Sir D. A. Cameron, K.C.B., will permit of your proceeding to invest that place, and to carry out regular operations for its reduction, without the delay of a reference to him at Auckland, or whether such reference must first be made.

To Brigadier-General Waddy, C.B.,
Commanding Field Force,

I have, &c.,
(Signed) G. GREY.

Encl. 2 in
No. 39.

Enclosure 2 in No. 39.

SIR,

Camp Nukumar, July 19, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date, requiring to know whether the instructions under which I am acting from Lieut.-General Sir D. A. Cameron will permit of my proceeding to invest the Wararoa Pa, and to carry out regular operations for its immediate reduction, without reference to him; and in reply I have the honour to inform your Excellency that I cannot undertake this operation against the Pa unless I receive the orders of the Lieut. General Commanding the Forces to do so. I will, of course, forward your Excellency's communication, without delay, to Sir D. Cameron, and I will hold the troops in this district ready to move at the shortest notice, should the Lieut.-General Commanding the Forces direct an immediate attack on the Pa.

I have, &c.,
(Signed) RICHARD WADDY,
Brigadier-General commanding
Field Force.

To his Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

Enclosure 3 in No. 39.

SIR,

In front of the Wararoa Pa,
July 19, 1865.

AS notwithstanding the danger which exists, and the distance in time of Lieut.-General Sir D. A. Cameron from this place, you cannot use the force under your command for the reduction of the Wararoa Pa, I beg to request you will to the following extent assist the Colonial forces and the Natives which I shall now direct to undertake this operation, although I believe it an unnecessary and improper risk.

I understood from Sir D. Cameron that he had ordered the construction of a post at Nukumar, with the view of enabling you to take the Wararoa Pa by surprise if a fitting opportunity offered. The position of the post at Nukumar, and the strength of the force ordered by Lieut.-General Cameron to be stationed there (250 men), reference being had to the force that must be left to protect the post, if any men moved from it, evidently render it entirely unfit to attain the object contemplated by Sir D. Cameron.

Encl. 3 in
No. 39.

I would therefore ask, that, leaving the post at Nukumarū as it is, you would without delay establish another post of 400 men near the point where Major Von Tempsky is encamped, which would serve at once as a moral support for the local forces and Natives, and answer the object contemplated by Sir D. A. Cameron.

And I would further ask that you would assist by ordering here without delay a detachment of artillery, with heavy guns and mortars, for the purpose of breaching and keeping down the fire of the place, whilst the local forces and Natives work up to it and assault it.

Without you do this I fear a large and absolutely unnecessary loss of the lives of the Queen's subjects, Natives and Europeans, will be incurred, which would seem to be wrong, when a large force under your command, intended for the suppression of rebellion, and the preservation of the peace of Her Majesty's possessions, is close at hand.

Brigadier-General Waddy, C.B.
&c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 4 in No. 39.

Encl. 4 in
No. 39.

SIR,

Camp Nukumarū,
July 19, 1865, noon.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date, asking that a post for 400 men should be established near the village of "Maenene" (where the forest rangers are now encamped), to act as a support to the Colonial forces and friendly Natives, and in reply to inform your Excellency that under existing circumstances I feel it my duty to comply with your Excellency's wishes at once, as a considerable time might elapse before I could receive orders from the Lieut.-General Commanding the Forces. The troops shall be sent to Maenene without delay, and I will also direct a detachment of Royal Artillery and an officer of Royal Engineers to accompany them.

I have, &c.
(Signed) RICHD. WADDY,
Brig.-General Commanding Field Force.

His Excellency, Sir George Grey, K.C.B.
&c. &c. &c.

Enclosure 5 in No. 39.

Encl. 5 in
No. 39.

MEMORANDUM by the GOVERNOR.

ON Monday the 19th of July, at about 1.30 p.m., I arrived at Maenene, accompanied by General Waddy and others, and found about 380 Natives, under Captain McDonnell, encamped at 2,000 yards from the Wararoa Pa, and about 130 bushrangers, under Major Von Tempsky, encamped at about 800 yards from the pa, the whole under the command of Major Rookes of the militia, who had been for some days in the Pa at Perikamo, under and distant about 400 yards from the Wararoa Pa.

Pehimana and Aperahama, two of the principal chiefs of the Pa, were awaiting my arrival. Two other principal chiefs, Hori Tipene and Ruka, were left in the Pa.

The purport of their communications was that they admitted that the Pa was erected on land that belonged to the Government, and that they had no right there, and that therefore all the leading men had placed the Pa in the hands of Hori Kingi of Whanganui, to give the Pa up to me, but they wished time to be given them to remove their women and children. This was promised them.

I asked Hori Kingi would he go and take possession of the Pa. He refused to do this. I saw he was afraid of being murdered, and he has since said this was the reason of his refusal. I then said I should go up and take possession of the Pa, and that he must accompany me. I understood that he would, but he was evidently unwilling and distrustful.

The two chiefs, Aperahama and Pehimana, went on to make preparations for my reception.

I had for two days been satisfied in my own mind that all intention of giving the Pa up had been abandoned by the mass of the people in it, and that they would not do it, and were only pretending in order to gain time. The general opinion of the interpreters and others on the spot was different to mine.

Presently Captain McDonnell came back from Perikamo, and said the Natives wished me to go up and take possession of the Pa. He was quite satisfied they intended to give it up.

I proceeded, accompanied by General Waddy, Major Gray, Captain Bulkeley, Colonel Trevor, and others. Mr. Parris as interpreter.

When about 120 yards from the Pa, in which a white flag was flying, the Natives came out from the Pa, and asked me to halt. A Native then asked me, were they to understand that time would be given to them to remove their women and children. I replied, Yes, that had been arranged. They then asked me were they to understand that they would not be personally punished for their rebellion. I replied, they would all be pardoned except murderers. And so far would they be from being ill-treated that those who returned to their allegiance would henceforth be treated in all respects as the Queen's European subjects.

They then said it was all satisfactory, and Aperahama, the principal chief of the Pa, came out, and requested that Hori Kingi and myself alone would at once go into the Pa.

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Hori Kingi came to my side (we were on horseback), and said, "Oh, Governor, do not let us go in; ride up and touch the fence with your hand, and let that satisfy you; do not let us go in." I saw he was in great fear of treachery. Several of the Natives earnestly begged me not to go in, saying the people in the Pa were fanatics given up to old customs. I told Hori Kingi that he must come on. He gave way, and Mr. Parris, myself, Hori Kingi, and Hori Kerei, rode on towards the Pa.

When we arrived within about 30 or 40 yards of the Pa, the priest of the fanatics came out, and ordered the Natives not to allow us to come further; that they would not give up the Pa; and Hori Kingi said that he saw their guns prepared, and that we should be fired on if we moved on, and the friendly chiefs of the Wararoa Pa, who stood between us and the Pa, seeing what was intended, prayed us not to go on.

We remained a short time, and then returned to the main party, and all rode back to Maenene.

Pehimana, finding that his people would not give up the Pa, came in, and gave himself up. Aperahama came in the next morning, and gave himself up. A principal chief, Ruka, left the Pa the same day as Aperahama, and 10 followers, but would not give himself up here. He left word he would meet Mr. Parris at Patea.

On the 18th, in the morning, the people in the Pa pretended to be still anxious to give it up, and wrote a letter to me, a copy of which is enclosed, together with a copy of my reply. In the afternoon Hanitaua went up, and saw most of the Natives of the Pa, who said they would consent to peace if we acknowledged the native King. They sent also a message for Mr. Parris to go up and sleep with them. Before Mr. Parris started, the chief Pehimana had gone back to the Pa, and the priest refused his own chief admittance into it. An angry discussion ensued between them, during which Mr. Parris was advancing. Pehimana seeing this, sent to beg him to go back, and shortly afterwards returned himself.

After Mr. Parris left, a part of the tribes Ngarauru and Pakakohe, who had been stopping at Whenuakura, arrived with their arms to aid in the defence of the place.

Ten men from the Pa had also gone up the river with a canoe, to bring down a party of Wiwera Natives, said to consist of 140 men, who had arrived from the East Coast to assist the Natives of Weraroa. I have no doubt this is one of the reinforcements to gain time for the arrival of which they had been negotiating.

There were no entrenching tools of any kind with the local forces or Native contingent, and only 16 spades at the military post at Nukumarū, two miles further from the Pa than this place.

These spades could not be spared. The only gun in our neighbourhood is one 6-pounder at Waitotara, useless for our purposes.

The large Native and European force which is in front of the Pa, and the series of events in the Wairarapa, on the East and South-west Coasts, known already to the Government, and those above detailed having taken place, and reinforcements having reached the Pa from distant places, I have feared that very bad consequences would result if this force retired disappointed and baffled. I shall, therefore, think it my duty, unless otherwise advised, to take measures for attempting the capture of the Pa, which measures will be found detailed in my correspondence with General Waddy.

I am very much disappointed that General Waddy's instructions prevent him from taking those steps which appear necessary at this juncture. I am still more disappointed that neither myself nor the Government are acquainted with the nature of the instructions which have been given to him. If the General Commanding the Forces can issue instructions to Generals commanding districts of a nature unknown to the Governor or to the Government, by which their hands are so tied up that they cannot, at the request of the Governor and in concert with him, take such steps as sudden emergencies render necessary, whilst the General Commanding the Forces, in point of time, is 10 or 14 days distant from the threatened point, Her Majesty's forces are comparatively useless, and Sir D. Cameron has in point of fact deprived the Governor of his commission as Commander-in-Chief. There can be no doubt that the General must himself have obeyed the orders of the Commander-in-Chief. How then he can order his subordinate officer to refuse to obey them it is hard to understand.

18th July 1865.

(Signed) G. GREY.

The critical complications which have taken place in the Upper Whanganui will be gathered from other letters. That at such a time so large a force should be locked up and rendered useless for many days may entail serious and lasting evils on this country. All that the local Government can do under these circumstances is to exert itself as far as possible to avert the evils which have arisen, and which would not have arisen had the Pa been attacked when the colonial forces first arrived before it. For the Natives now admit that there were then but very few people in it. On very good Native authority it is stated that there were only 30 men armed with firearms.

18th July 1865.

(Signed) G. GREY.

(Translation.)

TO THE GOVERNOR.—TO HORI KINGI.

FRIENDS,

Perekama, July 18, 1865.

Do you two hearken. That is a word of mine informing you to send back all the Maori militia and European militia; the General and all his soldiers who are occupying Maenene and Nukumarū. Do you two cause them all to go back to the town, to Whanganui, because I, that is to say, all the Maoris in the Wararoa (Pa), are fearful of your soldiers who are staying there. When you have done that; then, after that our conference, I will tell you in that conference of ours the

Europeans I desire; that is to say, the Europeans who are the same as I am to be fellow settlers of mine upon that place which you are so striving for. If you two agree to the words of that letter, write in reply; if not, write. But not as regards our peace (pai), that is lying there (established), peace is.

NEW
ZEALAND.
—

That is all,

TERETUI,

The vote of the whole (assembly) Parliament.

(Translation Copy.)

O SONS,

July 12, 1865.

I WILL not cause my men to return to Whanganui. I have but one word, that you should make your words to me permanent that I come into the midst of the Pa. When there I will make permanent my words to you, and I will show kindness to you.

Your friend,

(Signed)

G. GREY,

The Governor.

Enclosure 6 in No. 39.

MEMORANDUM by the Governor.

Encl. 6 in
No. 39.

The state of affairs in the Upper Whanganui is this: The Native force was withdrawn (leaving an European local force at Pipiriki), to avail themselves of an opportunity which they found had offered of seizing the Wararoa Pa. Their Native friends all followed them, leaving, I believe, only 35 men on the river. They left all their property in their Pas, which were fortified and provisioned for twelve months. They were not allowed then to take the Wararoa Pa. They are now ashamed to leave it. In the meantime a good many people have flocked into the Pa, and some of the reinforcements which it now appears the fanatics had sent for are now on the Upper Whanganui, and are threatening the European force there, and the Pas of the friendly Natives, whilst General Waddy and Her Majesty's forces cannot act without orders from Auckland, although the Governor is on the spot; all which presents a difficult and peculiar complication.

18th July 1865.

(Signed) G. GREY.

(Translation Copy).

Karatia (Upper Whanganui), July 18, 1865.

To the Towns; to Booth; to Richard (Noon); to Mr. Buller, Magistrate; to Nukumaru; to McDonnell, Captain; to Aperaniko; to Te Repa.

Sirs,

Two hundred of the war party are at Pipiriki. The dividing parties are at Te Puha and Te Mataka, so as to hem us out, so that we might not get to Pipiriki. A day has been fixed for fighting; the second fine day was fixed; so that when you see a fine day, that is it.

The grandfather of death has come nigh to my Pakaha fathers. Hare Matenga brought the news to Herehoua.

It ends here.

HAREHOUA.

No. 40.

No. 40.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 93.)

Before the Wareroa Pa, July 21, 1865.

(Received October 16, 1865.)

Sir,

(Answered, No. 86, October 26, 1865, page 251.)

I HAVE the honour to enclose for your information copies of letters I have received from various sources, from which you will find that, in co-operation with the movements the rebels are making on the East Coast, a large body of them have assembled and suddenly assailed a detachment of the Colonial Forces, of about 230 men, who are under the command of Captain Brassey, who are stationed at Pipiriki on the Upper Whanganui River.

2. I have also received this afternoon information that can be relied on that the body of between 200 and 300 rebel Natives who have collected from the country which lies between Wairapa, Taupo, and the Whanganui River, and who have now for some time been moving in this direction, collecting as they go, are dividing into two parties, one of which is to reinforce the rebels in this Pa, and the other to join in the attack on Captain Brassey.

NEW
ZEALAND.

3. Captain Brassey is a good and able officer, and will, I have no doubt, give a good account of any rebels that attack him; but he must speedily be rescued, and the peril of his position causes me great concern.

To the Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

2 a.m., July 22.

P.S.—Fresh intelligence having been received late this evening of the increasing danger of Captain Brassey, the friendly Natives have offered that one of their number shall at all risks steal through the enemy, and take a letter to Captain Brassey, to let him know that the Pa will be in our possession to-morrow morning, and that then forces shall be immediately sent to his rescue. The letter, a copy of which is enclosed, has therefore just been sent on to him, to encourage him to hold out.

G. GREY.

Wanganui, July 22, 9 p.m.

P.S.—A Native, who for a reward of 15*l.* has got out from Pipiriki, and avoided the rebel Natives, has just arrived here, carrying the letter, a copy of which is enclosed, from Captain Brassey to Major Rookes, commanding Wanganui Militia. From this you will learn that on the 19th instant he was attacked by rebels in force, but beat them off with considerable loss on their part, only one officer and one man being wounded on our side.

The first detachment proceeding to his rescue will move off from here to-morrow morning, carrying him the ammunition and supplies of which he is in need. Part of his letter is evidently written in Latin, from fear that it might, with the messenger, fall into the hands of the enemy, and that they might, if it was written in English, which many of them understand, find out his wants.

G. GREY.

P.S.—From the copies of letters herewith enclosed you will be glad to find that the gallant Captain Brassey and his brave garrison were relieved on the 1st instant. He had only one officer and two men slightly wounded. The enemy lost fifty killed and wounded, including several chiefs of rank.

G. GREY.

Encl. 1 in
No. 40.

Enclosure 1 in No. 40.

Major J. NIXON to his Excellency the GOVERNOR.

DEAR SIR GEORGE GREY,

Sedgebrook Grange, July 17, 1865.

THE imperative haste in which the enclosed note was just delivered to me must plead my apology for thus hastily addressing you. At half-past seven p.m., in a torrent of rain, the bearer has arrived, so I hasten at once to town with him, to engage horses, and forward him without delay to Weraroa. There are some number of canoes going up to-morrow at 10 a.m., but I shall detain some of them until I hear from you, with instructions how to act, and start one of the lightest with a letter to Captain Brassey, commanding at Pipiriki, that we are advised of his being attacked, and will support him without delay. Should you therefore send any of the Native Contingent back here, I will have the canoes ready to instantly forward them. I only left Pipiriki on Saturday last myself, with Major Gorton, and then, from Pehi's manner, warned Captain Brassey that something was wrong.

Waiting your instructions,
His Excellency Sir George Grey, K.C.B.

I have, &c.
(Signed) JOHN NIXON.

Encl. 2 in
No. 40.

Enclosure 2 in No. 40.

J. WHITE Esq. to Major NIXON.

MY DEAR NIXON,

$\frac{1}{2}$ -past 6 p.m., July 17, 1865.

As Mr. Buller is away, and the bearer cannot find R. M. Booth, I send them to you to see if you can send them off at once to Sir George, with the news that they will tell you. They will go at once, if you can get horses for them.

Your old friend,
JOHN WHITE.

Enclosure 3 in No. 40.

(TRANSLATION.)

NEW
ZEALAND.

Koriniti, July 14, 1865.

Encl. 3 in
No. 40.

To HAIMONA HIROTI, TO TE POIHIPI, and in fact to all of you,

Friends, salutations. That is a word of ours to let you know. The news from the interior is that the war party is at Manganui-a-te-Ao, but we are not yet exactly certain. Ngatipukeko have turned towards Waitotara, twenty-seven of them. The chiefs, whose this army is, are three, Topia Turoa, Kereopo, and Henare, but they are not yet come near. They are still at Rotoaira, but perhaps not, it is uncertain.

Sons, do not come hither; only let those come which were appointed to do so. This thought is correct; also, if a letter follow this one, this news is confirmed. The people of Atene and Koroniti, Hari Wirahiko, Kopiha, and Hapi, have gone there. The persons who brought the news are Hakaraia, Poumua, and Wiari.

* * * * *

HIRETI HAIMONA,
(but in fact from the whole runanga).

Enclosure 4 in No. 40.

(TRANSLATION.)

Encl. 4 in
No. 40.

Hiruharama, July 18, 1865.

Go O my letter to Rewi and Whiripo,

Friends, salutations. This is a word; do you hear. The war party are lying at Mangaio—one hundred Pakehas are sitting there waiting for Topia to come; then only will a mode of action be sought for. The word of Tahana to Booth and Neki (Nixon) and Pehi was, that the Pakehas be caused to return; who knows whether or not the army would listen to that word? Do you be informed; be quick, and do not stay away.

HAIMONA,
PEATA.

Enclosure 5 in No. 40.

(TRANSLATION.)

Encl. 5 in
No. 40.

Hiruharama, July 18, 1865.

To HAIMONA, to NOPERA, to METE KINGI, to HORI KINGI, to MATAI,—

Friends, the enemy have closed the way to Pipiriki by occupying Te Puha; they came on the 18th instant. The enemy have drawn near to Pakeha; be quick hither.

ANGIKEHA.
HARIHONA.

Enclosure 6 in No. 40.

Major J. NIXON to his Excellency the GOVERNOR.

Encl. 6 in
No. 40.

SIR, Militia Office, Wanganui, July 19, 1865.

I HAVE the honour to report to your Excellency, from Natives just arrived (12 noon), that four hundred Hau haus have really occupied the bank of the river opposite Captain Brassey's camp at Pipiriki. They have occupied a strong position on a low cliff, about four hundred yards opposite, below Captain Brassey's lowest stockade. This position is over a long and dangerous rapid, thus commanding any approach by water, but it is overlooked by hills, and accessible from the sea.

I have, &c.,

JOHN NIXON.
Major, W.M.

His Excellency Sir George Grey, K.C.B., Weraroa.

P.S.—I append names of chiefs engaged in this war party—Pehi Turoa, Tahana, Ihaia, Matia, Te Waka, Ngarupiki.

Enclosure 7 in No. 40.

JAMES BOOTH Esq., R.M., to W. L. BULLER Esq., R.M., Wanganui.

Encl. 7 in
No. 40.

SIR, Wanganui, July 19, 1865.

I HAVE the honour to report that I left town this morning with the intention of proceeding to Pipiriki. Nine miles from town I met Natives from Pipiriki, they report as follows:—

Monday night, 17th, Hore Patene and Te Mokena went to Kanaeopou, opposite Pipiriki, to tell their friends of an intended attack on Pipiriki, and inviting the liberated prisoners to join the rebel force. Yesterday morning all the Pipiriki Natives, with the exception of two men, joined the rebel force.

NEW
ZEALAND.

Last evening, as soon as it was dark, the rebels passed amongst the high manuka scrub, and took up a commanding position about a quarter of a mile on this side Pipiriki, but on the opposite side of the river from that on which the force is stationed.

The chiefs of the rebel party are Tuhana Turoa, Topeni Te Manaku, Ihaia, Te Ngarupiki, Matiu, Tamati Waka, and Pehi Turoa.

W. L. Buller, Esq., R.M., Wanganui.

I have, &c.,

JAMES BOOTH, R.M.

Encl. 8 in
No. 40.

Enclosure 8 in No. 40.

(TRANSLATION.)

Rev. J. LAMPILA to his Excellency the GOVERNOR.

YOUR EXCELLENCY,—

Wanganui, July 20, 1865.

I TAKE the liberty of addressing to your Excellency a few words relative to the critical and dangerous position in which your soldiers at Pipiriki are placed.

As I know the place very well, and also the position of the soldiers, it is my duty to warn your Excellency that they will have much to undergo if the Hau haus are at all numerous; firstly, their provisions are in the houses which they have built outside the redoubts; secondly, to procure water they must expose themselves a good deal; and it is almost impossible for them to obtain firewood without falling into a Maori ambush.

It is this state of things, your Excellency, which induces me to fulfil a duty sacred to humanity, in warning him whom Providence has placed at the head of the Colony.

If a Maori who has just arrived from up river is to be believed, they have already fought, and God grant the soldiers have not been surprised.

I am your Excellency's most humble and devoted servant,

J. LAMPILA,

Catholic Missionary.

His Excellency Sir George Grey, K.C.B.

Encl. 9 in
No. 40.

Enclosure 9 in No. 40.

W. BULLER Esq., District Magistrate, to Major GRAY, A.D.C.

Resident Magistrate's Office, Wanganui,

July 21, 1865, 1.30 p.m.

SIR,

I HAVE the honour to transmit herewith, for the information of his Excellency the Governor, copy and translation of a Native letter (from Hiruharama) which has been forwarded to the friendly chiefs now stationed at Nukumarū.

Mr. Booth, R.M., who understands the position and relative value of the Pipiriki redoubts, has made an explanatory minute in the margin of the translation.

It is worthy of remark that the report reaches us through three of the liberated prisoners, whose sympathies are known to be on the side of the attacking party. Their account must therefore be received with some degree of caution.

That there has been fighting there can be little doubt, for the Ohoutahi and Hiruharama people heard constant firing on Wednesday from daylight till dark.

I have, &c.

(Signed)

WALTER BULLER, R.M.,

District Magistrate.

Major Gray, A.D.C.,

Acting Private Secretary, Nukumarū.

(TRANSLATION.)

Hiruharama, July 20, 1865.

Go, this letter, to PAORA, to REWI, to WIRIPO, to TOMA, to TAURO, to MOTUARAMA, to Rewi, and to you all.

Friends, there has been a fight with the Pakehas. Ihaka, Manuera, and Aterea have arrived at our place. Rangiahua and Popoia have been surrounded; they are in hands of the Hau haus; some have fallen on both sides. It is the fault of you who have stationed the Pakehas at Pipiriki.

This is all,

From HAMIORA,

„ KATENE,

„ KEREHORUA,

„ PUKUTOHE.

MEMORANDUM by Mr. BOOTH.

Rangiahua is a small Pa, which has been occupied by friendly Natives, and close to Popoia, Bushrangers' Redoubt. It is probable that Captain Brassey would order Rangiahua to be burnt, to insure his own safety at Popoia, which is the key to his position. 1st. If Popoia is occupied by rebels, the other redoubts will be untenable. 2d. The men who brought down the news saw the fight at the distance of half a mile.

(Signed) JAMES BOOTH, R.M.

Enclosure 10 in No. 40.

Major J. NIXON to his Excellency the GOVERNOR.

NEW
ZEALAND.

Sir, Militia Office, Wanganui, July 21, 2.30 p.m. Encl. 10 in No. 40.

I HAVE the honour to inform you that intelligence has just arrived from Pipiriki, to the effect that Captain Brassey's redoubts had been attacked, and one of them (Hirst's, I imagine), taken by the Hau haus. We must receive this intelligence with some distrust, as it comes through Hau hau Natives; at the same time it is not improbable, as Hirst's redoubt was very imperfect, and its position commanded the main redoubt. I think the Europeans at Pipiriki are safe from a coup de main, but unless promptly supported below Pipiriki their communications are certain to be not only interrupted but effectually cut off.

I have, &c.,
(Signed) JOHN NIXON,
Major W.M.

His Excellency Sir George Grey, K.C.B.,
Weraroa Camp.

Enclosure 11 in No. 40.

Captain BRASSEY to Major ROOKES, Commanding Wanganui, M.D.

Encl. 11 in No. 40.

DEAR SIR,

Pipiriki, July 21, 1865.

I HAVE promised the bearer 15*l*, on the part of Government, if he delivers this safely to you. We were attacked in force on the 19th instant; beat off the rebels, with only Ensign Cleary and Sergeant Gourd wounded. On their side, we reckon about 20 or more casualties. They withdrew on the morning of the 20th, and a portion of them have taken a position lower down the river, to stop supplies. The information given me by Wairi (the man I sent with letters for you) turned out quite correct, and certainly, from precautions I took consequent on it, saved some lives.

Yours very truly,
(Signed) W. BRASSEY.

Major Rookes,
Commanding Wanganui, M.D.
Sumus sine rebus belli satis.

My cry, if I could make it heard, would be—the M ! M !!

W. BRASSEY.

Enclosure 12 in No. 40.

His Excellency the GOVERNOR to Captain BRASSEY.

Encl. 12 in No. 40.

MY DEAR SIR,

Before the Weraroa, 2.30 a.m., July 22, 1865.

I HAVE been in the greatest concern at your position, but have felt the utmost reliance on your courage and prudence, and on the bravery of your men. In the meantime, I have risked everything here to be able at the earliest moment to help you.

The enemy has just escaped from the Pa, but we have got fifty prisoners. We go into the Pa at daylight, and at the same hour a large force starts to rescue you. A messenger will take this to you, who will manage to get through the enemy. Hold out bravely. Within a few hours after you get this you will have help.

Faithfully yours,
(Signed) G. GREY.

Captain Brassey, &c.

Enclosure 13 in No. 40.

Extract from the Wellington Independent, Aug. 12, 1865.

Encl. 13 in No. 40.

TRUE TRANSLATION by James Booth, R.M.

TO GOVERNOR SIR GEORGE GREY,

Pipiriki, August 3, 1865.

O OUR loving father, salutations. This is our letter. Will you send it to the press, that it may be proclaimed through every part of the island, but also through all lands? In the month of July we went before the Governor, and before his councillors. We said to the Governor, Let us go to Wanganui, or rather to the Weraroa. Governor Grey agreed to this. He said to us, "Go," and I will go by steamer. We then returned from Wellington to Wanganui; when we arrived (at Wanganui) we found that Captain M'Donnell, Captain Kepa, and Captain Aperaniko, with 100 of their people, also Major Rookes, with 300, also Te Mawai and Haimona, with Haimona's people, numbering 400; altogether at the Weraroa there were 800 men.

On the 16th July, Hori Kingi and I went to Nukumaru. Hori Kingi, Major Rookes, Captain M'Donnell, Kawana Paipai, Tamati Puna, Hakaraia Korako, Te Mawal, and Kepa, went to the Weraroa, but were not allowed to go inside; they remained at Perekama, on the Waitotara, and waited for Governor Grey and 800 men; they then stayed at Maeneene, half a mile from the Weraroa.

On the 20th July, Governor Grey arrived, and the 800 were paraded before the Governor, to do him honour. The Governor then went to make peace, and to enter the Pa. When the Governor got to the outside of the Pa, a (man called by the Hau haus) a Jew, came out of the Pa, and said, "I will not at all agree that the Governor go into my Pa; rather let him go back."

Aperahama Tamaiparea said, 'Let the Governor go into the Pa; if you are obstinate the Government Natives of Wanganui as well as the Pakehas will destroy the Pa.

The Jew said, I shall not be put out of sight. "Rura Paimarire" and "Rika Paimarire" are above. Aperahama said, You will not be able to resist this war party. The friendly Natives are 500 strong, and the Pakehas are 300 strong, altogether 800; that Jew was still obstinate. Governor Grey said, I will go into that Pa, and you must go to the other side of Waitotara, on to your own land. Leave to me my own land, the Wararoa, the land for which I paid. That bad tribe, the Ngarauru, would not listen; the Governor then returned to Maeneene, and remained there three nights. The Governor then said he would take the Karaka and the people of Major Rookes, of Captain M'Donnell, of Captain Kepa, of Captain Aperaniko, of Haimona, of Karehana Toarangitahi, and of Epiha Te Astokiri; altogether 200 men; they took 60 prisoners. On that day the Wararoa fell; in the morning, the war party of Governor Grey went into that Pa, namely, the Wararoa; at the eighth hour they cheered. On that day also the remainder of the 800 proceeded to Maeneene, and took possession of the Wararoa, to keep possession of it. At that hour also the Governor set off back to Wanganui with the Maories and all the Pakehas, and left the Imperial troops to occupy the Weraroa.

He then came into the town of Wanganui, and on to Wellington.

On the 25th July, our steamer, the "Gundagai," left Wanganni to go to Pipiriki, (to take) both Maories and Pakehas, also stores and canoes (behind). We reached Raorikia that night. Next night at one the Pakehas and the Maories went on from thence in canoes, and arrived that day at Koriniti. Next day we went on, and slept at Hiruparama; there we waited, until all the Maories, 500, had collected, and 300 Europeans added to this, make the whole force up to 800. In the night, M'Donnell, Kepa, and Aperaniko went up and took possession of Te Pupa (a bad rapid, a mile on this side Pipiriki). They did not see any Hau haus at that place in the morning; they (the Hau haus) ran away. In the morning we all went on to Pipiriki. The Hau haus had seen us from the tops of the mountains, and had made their escape, leaving two Pas, Ohinemutu and Te Aotumutu. They ran away to Mangaio. We went on and took (possession of) Ohinemutu, supposing that place was still occupied. When we got there we did not find a man in the Pa; we then burnt the houses and the wheat stacks.

We then counted up the number of those (Maories) who had been killed in the fight with the Europeans at Pipiriki; five dead bodies were seen on that day; one the Pakehas buried; altogether there were six.

O you Europeans and friendly Maories. Listen all of you. The bravery of Captain Brassey, of his officers, and his men, has been very great. The fighting men of Pehi Turoa, of Topini Te Mamaku, of Te Heuhu, of Taonui, and of Hare Taoteka were but fools; theirs was only the fighting of children; not one Pakeha was killed; whilst the Hau haus (on the other hand) lost 50, amongst whom were the following chiefs killed; viz., Horomona Titapu; this belonged to Wanganui, Mikaera of Taupo, Anatipa te Taiko; these were chiefs whom we buried. The chiefs who were killed and taken away were Rihari te Otaota and Paurini Rangimonehunehu.

O our friends the Europeans and friendly Maories, lift up the power (authority) of the Queen, the strong hand; also of Governor Grey. Let the edge of the sword cut down the evil weeds and brambles of this island; let loose the cat that it may kill the rats, because they (the rats) are constantly stealing the food out of the "Ruas" (under ground food stores), that is the food out of the Queen's "Rua," namely, the Pakehas and the friendly Maories; the rats are the Hau haus.

Friends. Europeans: This people of Wanganui will stand up as permanent soldiers of the Queen for ever and ever. We will continue to fight (against the Maori Hau haus of this island).

This is what I have proclaimed.

From your friend,

METE KINGI PAETHIA.

TRANSLATION of SPEECHES by Hori Kingi and others to Captain Brassey and the other officers of the Force stationed at Pipiriki.

Pipiriki, Aug. 2, 1865.

METE KINGI.—Mr. Booth and Captain M'Donnell, this is a crying for the people who have been at Pipiriki; for the captain (Brassey), for his officers and men. We left you here at this place. Governor Grey brought the Europeans and the Maories to Pipiriki. The Governor also said, Let the Native Contingent go to the Weraroa. The friendly Natives also went to the Weraroa, and the Europeans have been left to be murdered by Pehi Turoa.

Salutations to you, my European friends. This is indeed a bad man, namely, Pehi Turoa, because he has tried to murder you. This is your land now, namely, Wanganui, and the whole country across to Taupo; it is yours, because your enemies, the owners of the land, have fallen by your hand. May you live for ever, my European friends. May God protect you now and for ever. This is all from me.

Kawana Paipai.—Salutations, my European relatives. May you long live through the evil murderous works of Pehi Turoa, of Topia, and of Topine towards you. This is your land, Wanganui, stretching away to Taupo.

Te Oti Takarangi.—My Pakeha friends, I salute you. My sorrow is very great because you have been murdered by Pehi Turoa. I will never agree to make peace with Pehi Turoa.

Hakaraia.—My Pakeha friends and brothers, I salute you. Those people of Wanganui are your younger brothers. I, that is the whole of my people, will try to uphold the strong hand of the Governor, but we will not agree to make peace, because of the evil works of the Hau haus, of their murderers, both of Europeans and of Maories. It is through the mercy of God that you are living on this day.

In the days of our Saviour, He sat at meat with a man whom He knew would be His murderer, so, in this case, Pehi Turoa has eaten with you, and has afterwards turned and murdered you.

Hori Kingi.—This is my weeping for my Pakehas, because we, I and Major Atkinson, left you with Pehi Turoa, for Pehi to take care of you. Pehi Turoa is a man whom I used to think was a chief, and the word of a chief is considered to be sacred, but I now know him to be no chief, because he has trodden a sacred oath under his feet, and turned round to murder the people with whom he had made peace, and whom he had solemnly sworn to protect. I will not make peace with Pehi; and as to Te Heuheu, if you wish to make peace with him do so, but I will not be a party to that making of peace; if Te Heuheu had wanted to make peace he would have written from Taupo to say he was coming, but finding that his people were being killed by your bullets he wants to make peace with you, that he may get into your neighbourhood and murder you in revenge. This also is one word to you, let us have roads. I know two good roads. Tairi is one (the road from Rangitikei to Taupo), and Parahaka is one (the road from Ranana to Taupo). If the steamer can be brought to Ranana the road from Ranana will be the best. What I want is, to have roads through every part of the country, that the Governor may take possession of the country which you, his brave people, have conquered for him. Representatives from most of the tribes of New Zealand have been fighting against you; their country is now confiscated, because you have conquered the owners.

Aperaniko.—My friends, I salute you. I left you here to go to that part of our work, the taking of the Weraroa Pa. I and McDonnell were sent by the Governor to do that work. My sorrow for you is very great, because of Pehi's murderous work. This is what I have to say, I will not make peace with Pehi Turoa or Te Heuheu. McDonnell and Mr. Booth talk to the Captain and tell him that the snow is thick on the mountains, the water is deep and rapid in the streams, that the cliffs are difficult of ascent, that the ground is saturated with moisture, and that at the present men cannot sleep out without covering; but in summer, or spring, we will follow McDonnell and Captain Brassey, and we will find Pehi Turoa wherever he is; if he is hiding behind the trees in the bush we will find him; but let the weather get warm, so that we can sleep out, and also ford the rivers, and we will follow him to Taupo, and take possession of the country which has become ours through your bravery.

Hiamona.—My Pakeha friends, I salute you. May you live for ever. You who have escaped out of the hands of the enemy, namely, out of the hands of Pehi Turoa. I also am alive, and delivered out of the hands of the Weraroa (the people of those tribes had no chief, so they made a pa and called it their chief, namely, the Weraroa). You have heard the talk of these chiefs, namely, the men of Wanganui. This is my word to you, I say, when now I have come back to Wanganui, I will remain here, and the fight will be continued night or day, winter or summer. In Wanganui alone let the fighting be, not in any other place. Let the Government Natives of the different tribes of the country where there are Hau haus rise and put down rebellion. I will not agree to occupy any station beyond Pipiriki. Make redoubts here; let the different pas on the Wanganui be filled with Europeans.

Leave me to be a Karoro Tipione (Sea Gull), which takes up pipis and then flies down to look for the fish. This is all.

Reply by Captain Brassey to the Chiefs of Wanganui and Rangitikei.

Chiefs—

It is but little I have to say to you.

By direction of the Governor and of Major Atkinson I was ordered to occupy Pipiriki, to keep possession of it at all risks; I have done so, and would have done so had 5,000 instead of the miserable 500 who came up against me and my men been here.

I appeal to the Chiefs Mete Kingi, Hori Kingi, and others, that no act of theft or other outrage has been committed against any Native of Pipiriki.

I perfectly agree with my friends as to Pehi Turoa. He is a traitor! who, if I can catch, should most certainly be hung to make an example to all traitor Hau haus. Of the other chiefs of the leaders of this taua against Tophini Tahana, Tapia, and others of Taranaki of Taupo, of Waikato, I will not hold so bad an opinion, they never having taken the oath of allegiance to the Queen.

As regards the graveyards on Cemetery Hill, I am sorry to have been obliged to occupy them, but the Hau haus first took possession of them, and the safety of my people was concerned in the affair.

Te Mawae.—Listen to this you Europeans and also you Maoris. This is what I wish to do, I wish to do honour to the bravery of my valiant friend Captain Brassey.

My love to the Pakehas who have been living at Pipiriki is very great, because of the murdering done by Pehi Turoa. But do not feel dark, O Captain Brassey, because I went away to the Weraroa. The General left the Weraroa to stand, and for that reason I went. The Weraroa has fallen, and I have this day come back to you. We will stand up together at Pipiriki to fight against the Hau haus. I will never agree to make peace with this evil tribe, the Hau hau, but rather let them come to me as prisoners. I will not agree to make peace with them as free men; only as slaves will we make peace with them.

Te Ratana, Rangitikei.—I salute you, my European friends. I do not belong to this river; but when I heard of the traitorous conduct of Pehi Turoa my heart was very dark. We said to the Governor, We will go to the relief of Pipiriki. The Governor said You have Hau haus in your own district; you had better go and defend your own homes at Rangitikei. We could not bear to think

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that you were being murdered, so we left our wives and children, and came up to see you, my European friends. Salutations.

Kawana Hunia.—This is the Nga-ti-apa. This tribe has not been engaged in any fight. I have (i.e. my tribe has) not seen this river since the days of my ancestors. The law of the Queen has now brought me up. The Hau haus of the tribes are collecting in one body; let the men of the Queen also collect at this time. Listen to this, my European friends; also let the edge of the Governor's sword go forth throughout the land to put out of sight the evil people.

The good parts of the country take in winter, Rangitikei. The bad part of the country let it be taken in summer. This is all.

(TRANSLATION)

TO SIR GEORGE GREY.

Pipiriki, August 3, 1865.

O MY loving father. Salutations. I have heard that Moa Te Rauhihi is going to fetch the prisoners to take them out of your hands.

Listen to our word. Do not on any account give them up, because they still wish to continue the fight, and to murder the Europeans.

You have already liberated the prisoners who were taken in Waikato and in Wanganui, and they have returned and fought (against you) again.

You returned these prisoners as a token of your good (feeling) towards the Maori Chiefs.

This is our word, Do not on any account let them (the prisoners) go. When the fighting is finished throughout New Zealand then liberate the prisoners of (or who have been implicated in) this work; rather let them be taken to some other island.

From

METE KINGI, Paetahi Rangawhenua.

HAIMONA, Tipiwhenua.

HORI KINGI, Te Anaua.

APERANIKO, Te Kamo Karewarewha.

KAWANA PAIPAI, Pukutohe ki to riri.

SIR,

Pipiriki, August 4, 1865.

I HAVE the honour to forward a translation of speeches made by Chiefs of Wanganui and Rangitikei to Captain Brassey, and the other officers and men comprising the force stationed at Pipiriki.

I am sorry that I am not able to do more than send a translation of parts of the speeches, as not having any one to write them down as delivered (myself acting as interpreter), I had to write them down from memory, with a little assistance from Mete Kingi.

The Wanganui Chiefs, as also Captain Brassey, and the other officers of the force, will feel much gratified if the Government will print the speeches in the Government Gazette.

I have, &c.

The Honourable the Native Secretary,
Wellington.

(Signed) JAMES BOOTH, R.M.

No. 41.

No. 41.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 94.)

Werarao Pa, Saturday, July 22, 1865.

SIR,

(Received October 16, 1865.)

(Answered, No. 86, October 26, 1865, page 251.)

I HAVE the honour to report for your information that Her Majesty's Forces, European or Natives, at daylight this morning took possession of the Werarao Pa. The enemy escaped yesterday evening, leaving 50 prisoners in our hands. No casualties whatever took place on our side.

2. The events which led to this capture were as follow :—

Brigadier General Waddy consented, as detailed in the enclosed letters, to establish a post of 400 men of the regular troops about 900 yards from the fortress, to afford Her Majesty's Colonial Forces and Natives the moral support they were certain to derive from the presence of British Troops in front of the place. He further undertook to order a detachment of artillery to the front, to take part if necessary in the operations which Her Majesty's Colonial Troops were about to undertake.

3. These Forces consisted of the following officers and men :—25 Whanganui Cavalry, 139 Forest and Bush Rangers, 109 Native (contingent), about 200 efficient friendly Natives, and some old men, total 473.

4. Late on the night of Wednesday the 19th intelligence was received of the very critical position in which the force under Captain Brassey at Pipiriki was placed, although the full extent of the danger was not then known. It was evidently necessary to act as rapidly as possible with regard to the Werarao Pa, as until that place had fallen it was impossible to detach any sufficient force to rescue the garrison at Pipiriki.

5. Upon considering the position and defences of the Weraroa Pa, in so far as these could be ascertained, it was manifest that a fatal error of judgment had been committed in the construction of the Pa, through which, if the assailants availed themselves of it, the defenders of the Pa, if they did not escape at a very early period of the operations, must probably be nearly all captured, or starved, or destroyed, with little or no loss to the assailing party.

6. The Pa was constructed on a high point of land formed by the junction of the Koie stream and the Waitotara river. Both of these streams ran through very deep precipitous valleys, but with tolerably broad, level, open bottoms.

7. The front of the Pa formed as it were the base of a triangle, one end of which rested on the Koie stream, the other on the Waitotara river. Where two other faces of the Pa ran along these streams precipitous or very steep banks, of the height of probably 300 feet, fell abruptly from the Pa down into the valleys of the two rivers. The valley of Koie is about 500 yards wide. The Pa stood on its left bank, and on the left bank also of the Waitotara river. On the right bank of the Koie stream was a precipitous wooded ridge of the same height, or rather higher than that on which the Pa stood. This ridge, on the right bank of the stream, ran out much further than that on its left bank from its running into a bend in the Waitotara river. The right bank of the Koie stream, which afforded excellent cover for riflemen, thus commanded not only a great part of the Pa and the banks under it, which ran along its own proper valley, but also, to some extent, that part of the Pa and the banks under it which ran along the Waitotara river.

8. The remaining portion of this part of the Pa was entirely commanded by a point of land which jutted out from the left bank of the Waitotara river, lower down the stream than the Pa.

9. The front of the Pa which ran across from left bank to left bank of the two streams stood, at the head of a gentle slope which fell gradually away from the Pa for a distance of more than a thousand yards, when the ground began gradually again to rise gently.

10. This face of the Pa was very strongly fortified. It was evidently anticipated that the attack would be made here, and the Pa was constructed on the principle of a desperate defence on this side by a garrison perfectly protected by palisaded rifle-pits, and of a speedy and secure escape from the rear of the Pa. It was probably not apprehended that any force would attempt to advance through the valleys of either of the streams along which the Pa was built, as these were completely commanded by the high banks along which the faces of the Pa ran, whilst the dropping fire which would have been poured from above would soon have almost annihilated any body of men that had tried to force their way along those valleys.

11. The road from the Pa to the interior of the country led across the Koie stream and up the Karaka range on the other side of that stream, through the forest, and potatoe and Kumara fields, from which the supplies for the garrison of the fortress were drawn, and was the line along which any reinforcement coming to the Pa must advance. On the Karaka ridge the Natives had constructed a small redoubt to cover their retreat, but their rear was left quite open to favour their retreat, and the ingress of supplies and reinforcements.

12. All this was fully explained to me on the ground, from whence, as it was peculiarly favourable for a reconnaissance, much of what was explained could be pointed out and seen by Natives who knew the country well, and especially by Hori Kerei, my Native orderly, to whose father the Karaka range had belonged, and who had been brought up there as a boy.

13. It was evident that the constructors of the Weraroa Pa had never contemplated that a force would pass through several miles of a dense forest, and a most difficult country, to occupy the heights of the Karaka in their rear, and that if a force once got to the Karaka, that the precipitous banks and cliffs which favoured the escape of the Natives from a force in front would render it almost impossible for them to escape down such places and across such open valleys by daylight, as they would be exposed to a heavy fire during their whole descent from a force lying hid on the other side of the valleys, and by night ambushes being laid in the valleys they would probably be captured or destroyed if they then attempted to escape.

14. I determined therefore to occupy these heights by surprise, by a force, if possible, strong enough to repel any sortie from the Pa (which would be threatened by us in front), and also strong enough to repulse or capture any reinforcements that might be coming up. I determined also, immediately more troops came up, to occupy the point over the Waitotara river on our left which commanded the other face of the Pa.

15. The defenders of the place would then have been completely shut in, and being continually harassed by a fire from rifles in their rear and on their left flank, and from guns and mortars in their front, whilst we had taken possession of and used their supplies, must have yielded.

16. At two o'clock on the morning of Thursday the 20th, having decided on this plan of attack, I sent for Mr. Parris, the interpreter, and explained it to him, and desired him to wake up the Native Chiefs and the officers of the Native Contingent, and explain it to them, that they might arrange amongst themselves in detail the parts they were respectively to take in it, and to inform them that I expected Lieut.-Colonel Trevor, commanding the 14th Regiment, on the ground early the next morning, with a detachment of 100 men of the 14th, and shortly afterwards a detachment of 100 men of the 18th Regiment, and that when these men arrived the whole of Her Majesty's Colonial and Native force, with the exception of a few friendly Natives, would, in pursuance of this plan, march to occupy the Karaka heights.

17. Mr. Parris, to whose indefatigable exertions I have been more indebted during the last few days than I can well say, explained to the Natives the proposed plan of operations, and soon after daylight came to tell me that they unanimously agreed in its soundness, had arranged for the execution of its details amongst themselves, and were quite delighted at the prospect.

18. I next saw Captain M'Donnell commanding the Native Contingent on the subject, and sent for Major Von Tempsky, who commanded the Forest Rangers, and would have commanded the force which was to march to the Karaka heights, to explain his duties in the affair to him. Unfortunately this valuable officer had in the night been seized with a violent attack of illness, and sent to say he could not move from his bed. This was a great disappointment; but I sent for Major Rookes, who was in command of the Militia forces of the district, and directed him to give the necessary orders for the occupation of the Karaka heights by the forces I have mentioned.

19. Major Rookes, under the difficulty which have arisen from Major Von Tempsky's illness, which left no officer of rank to command the force proceeding to the Karaka heights, most greatly to his credit, himself undertook this command. The force was ordered to march at half past twelve, by which hour I calculated that 200 men of the regular troops would be on the ground.

20. Just as this force was about to start, Pehimana, the head chief of the Pa, who had come over to us, stated that there were 600 men in the Pa. This was an evident exaggeration; but it proved a source of great embarrassment and anxiety throughout the operations, on account of the small force before the fortress.

21. Lieut.-Colonel Trevor, with 100 men of the 14th, arrived very early on the Thursday morning, and immediately pitched his tents opposite the left of the Pa, distant about 1,300 yards from it, and between the camps of the Natives and of the Forest Rangers.

22. At about 10 a.m. Captain Noblett, of the 18th, with 100 men of that regiment, arrived on the ground, having come up from Waitotara much more rapidly than I thought practicable, and, under Lieut.-Colonel Trevor's orders, pitched his tents on the left rear of those of the 14th.

23. At half past twelve, Her Majesty's Colonial and Native forces, under Major Rooke's command, paraded near the Native camp, out of sight of the Pa, and moved off for the Karaka heights by a road which was not exposed to view from the Pa. Throughout the whole day it rained very heavily, a circumstance which greatly increased the chance of our force seizing the Karaka heights by surprise, although it much inconvenienced the men.

24. It should be stated to the credit of the Forest Rangers that many of them had from the scarcity of supplies received no rations that day, and that it was doubtful if any could be obtained to send after them, yet that, notwithstanding the heavy rain and cold, they started on a long and most difficult march with the greatest alacrity and cheerfulness, expressing their willingness to encounter any privations or hardships if there was work to do.

25. The Forest Rangers were under the command of Captain George; the Native Contingent under Captain M'Donnell; the friendly Natives under their several chiefs. The whole, under the command of Major Rookes, reached the Karaka heights at 6½ p.m. after dark.

26. From the time the Colonial forces left, with the exception of a few friendly Natives, the regular troops, 200 in number, under the command of Lieut.-Colonel Trevor, were the only force in front of the Pa. Without the presence of this force the operations could not have been carried on. Nothing could have surpassed the zeal and

energy of Lieut.-Colonel Trevor, and to his cordial co-operation and advice on several occasions much of the success which followed must be attributed. The officers and men of the regular troops all exhibited the greatest alacrity and interest in what was going on; and although but little of actual movement fell to their share, without their presence, and without the cordial energetic assistance they gave, nothing could have been done.

27. These arrangements were all undoubtedly defective in one point of view; the whole of a small force was broken into two weak fragments, neither of which could have supported the other; but the tents of the forces which marched to the Karaka were left standing in front of the Pa, to make our force look as large as possible, and the critical position of Captain Brassey and his small force at Piripiki made it necessary to risk a great deal; and I think that no risk greater than what ought under such circumstances to have been run, was incurred.

28. In the afternoon of the 20th supplies came up from the rear, and Natives enough were with difficulty secured to carry 180 pounds of biscuit to the force on the Karaka heights; a very small allowance for so many hungry men. I, however, knew that the next morning they would obtain on the Karaka heights the supplies intended for the Pa.

29. At daybreak on the morning of the 21st (Friday) we heard a few dropping shots from the Karaka, and afterwards distant cheers from our men. We knew, therefore, that they had gained their position, and hoped that some success had taken place. The Natives in the Pa were evidently in great confusion and surprise.

30. At about 10 o'clock, Captain Ross arrived from the Karaka, after a rapid march of an hour and a quarter by a short line from that place. He came with only three men. He brought the enclosed report from Major Rookes, and the news that they had occupied the Karaka heights, and had taken 50 prisoners, 50 stand of arms, and two kegs of powder. The prisoners were a reinforcement which had arrived to aid in the defence of the Pa. Amongst them were several leading chiefs; and it seems probable that some of the men from the East Coast were implicated in Mr. Volkner's murder.

31. Major Rookes applied to Captain Ross for an escort of 80 men to take charge of the prisoners, as the care of them so weakened his small force that he could undertake but little. With difficulty 40 of the friendly Natives were spared for this purpose, and Lieut.-Colonel Trevor ordered 40 men of the 14th, under Ensign Churchward, to proceed on this duty. This with our small forces was a most important assistance, but it weakened too much our force (of now only about 170 men) in front of the Pa; but the critical position of Captain Brassey rendered this necessary.

32. The friendly chiefs left in the camp were so much alarmed at the position in which they were now left, that it was necessary, in order to reassure them, to get even a small reinforcement up as rapidly as possible. Lieut.-Colonel Trevor therefore sent to Nukumarū for 30 men of the 14th, and to Waitotara for 50 men of the 18th; no more could be spared from these places.

33. The 200 men of the regular troops, who were to come from Whanganui, had not arrived, but after consultation with Lieut.-Colonel Trevor it was determined to go on with the plan of operations. Major Rookes was therefore instructed by the enclosed letter to begin to harass the people in the Pa, by rifle shots fired by picked men, and to lay ambuscades at night, whilst at daybreak next morning Lieut.-Colonel Trevor would make a sham attack on the Pa, to enable Major Rookes to take Pirikama on his side, whilst the friendly Natives on our side seized the position on our left over the Waitotara river, which would completely shut the Pa in, and would have left the Natives but little hope of escape. I believe if our force had been but a little larger very few of the Natives could have got away.

34. I became so anxious to hurry on the capture of the place, from intelligence that I again at this time received of the critical position of Captain Brassey and his force at Piripiki, that I wrote to the officer in command at Patea a letter, a copy of which is enclosed, begging that a further reinforcement of 200 men might be sent from that place.

35. A report was now received that the guns and mortars had arrived from Whanganui at Waitotara, and bullocks and horses were sent to drag them up. They would reach the camp before the Pa about mid-day the next day, when within a few hours the Natives must have surrendered.

36. Shortly before sunset a dropping fire of a few rifles was heard from the Karaka height on the Pa. This soon created great confusion in the place, and it was evident that parts of the Pa were more commanded from the heights than could have been hoped for; at the same time the picquets for night duty happened to be fallen in and marched to the front. The dropping fire went on. The Natives in the Pa probably believed that the troops were forming for a night attack. The confusion in the Pa was now very great.

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Natives could be seen running about seeking for shelter, and some movement was evidently going on.

37. Lieut.-Colonel Trevor, as I have stated, when our force was so reduced by sending away escorts for the prisoners, had ordered up a detachment of 30 men of the 14th from Nukumarū, and of 50 men of the 18th from Waitotara. These detachments arrived with great alacrity, and when Major Rooke, 18th Regiment, arrived in command of the detachment from Waitotara, it was reported that from a redoubt which commanded a view of the rear of the Pa, at a distance of a few miles, they had seen with a telescope before sunset, numbers of Natives escaping down the cliffs and precipitous banks at the point which still remained open to them, with bundles, evidently escaping from the place.

38. At about half-past one at night Captain Ross came over from the Karaka with a report that a Native had come into their camp from the Pa, and told them that the people had evacuated it.

39. At daylight next morning the friendly Natives took possession of it, and it was immediately afterwards occupied by Lieut.-Colonel Trevor and a party of the 14th Regiment, who now hold it.

40. Major Rookes of Her Majesty's Colonial Forces, who volunteered to command the party which marched to occupy the Karaka heights, deserves the highest credit for the courage, ability, and zeal with which he executed that march, under circumstances of great difficulty, and for the energetic and successful manner in which he carried on the operations after he got the heights. Upon his promptitude and energy the success of the whole affair mainly lies.

41. Major Rookes informed me that the conduct of Captain M'Donnell is especially deserving of notice, for distinguished gallantry and energy. He also spoke in high terms of the conduct of Captain George, commanding the Forest Rangers on this occasion, and of the good conduct of the officers and men of his corps. Major Rookes also praised highly the conduct of Captain Ross, his adjutant.

42. The Colonial Government will I am sure do full justice to the claims of those officers and men who have established such strong claims on the gratitude of the colony. The conduct of Her Majesty's Colonial Forces on this occasion could not for either daring or endurance have been surpassed.

43. The conduct of the Native chiefs, especially of Haimona, Te Kepa, Epiha, Aperaniko, and Kerehana, and of the Natives, deserves the highest praise, and will, I have no doubt, be amply recognized by the Colonial Government.

44. With regard to the regular forces, I trust that the attention of the Secretary of State for War may be called to the assistance so cordially afforded to me by Brigadier-General Waddy, and to the energy and zeal so continually displayed by Lieut.-Colonel Trevor, 14th Regiment, during these operations.

45. I should also feel grateful to you if you would call the attention of the Secretary of State for War to the important assistance I received on this occasion from my Aides, Brevet-Major Gray of the Military Train, and Captain Bulkeley, 65th Regiment, whose services I trust may receive some recognition.

To the Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. 1 in
No. 41.

Enclosure 1 in No. 41.

Major ROOKES to Lieut.-Colonel TREVOR.

SIR,

Position in rear of the Weraroa, July 21, 1865.

I HAVE the honour to report, that after a long and toilsome march of six hours we arrived at the Karaka last night. In the course of the night I requested the Native Chief Haimona to send spies into a kainga, who returned reporting that they found no one there; but, as there was a doubt, I directed the following detail to march at half-past four this morning, and endeavour to surprise and capture it, which was done, 50 prisoners taken, a like number of arms, and two kegs of ammunition. Captain M'Donnell, who commanded this force, deserves the greatest credit for the very able manner in which he has performed this important duty. The Kapapas, under their chiefs, and the Native Contingent, are deserving of your notice. I purpose, if possible, sending the prisoners in. We are entrenching ourselves, but slowly, from a deficiency of tools.

Lieutenant Ross will explain everything to you.

Lieut.-Colonel Trevor, 14th Regiment,
Commanding Field Force before Weraroa Pa.

I have, &c.
(Signed) CECIL ROOKES.

Enclosure 2 in No. 41.

Major GRAY to Major ROOKES.

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SIR,

Before Weraroa Pa, July 21, 1865.

Encl. 2 in
No. 41.

I AM desired by his Excellency the Governor to inform you that he has read with great satisfaction your letter to Lieut.-Colonel Trevor, in which you report that the force under your command had taken up an important position, and captured 50 Native prisoners.

Captain M'Donnell and the officers under his command, together with the Native chiefs engaged in this affair, shall be brought by his Excellency prominently under the notice of the Colonial Government.

Major Rookes, &c.

I have, &c.
(Signed) W. R. GRAY,
Major, A.D.C.

Enclosure 3 in No. 41.

Encl. 3 in
No. 41.

Major GRAY to Major ROOKES.

SIR,

Before Weraroa Pa, July 21, 1865.

I HAVE the honour, by direction of his Excellency the Governor, to request you will send in your prisoners to-morrow morning. It will be necessary for you to augment the force of 40 men who are to be sent to conduct the prisoners into camp by 50 of the Kupapas under your command.

Major Rookes, &c.

I have, &c.
(Signed) W. R. GRAY,
Major, A.D.C.

Enclosure 4 in No. 41.

Encl. 4 in
No. 41.

His Excellency the GOVERNOR to Lieut.-Colonel TREVOR.

SIR,

Before the Weraroa Pa, July 21, 1865.

IN reference to the report of Major Rookes regarding the capture of 50 Native prisoners, I have the honour to state, that from the small force at his disposal he is unable to furnish an escort to the friendly Natives who are about to convey to him supplies, and to bring back the prisoners. Under these circumstances of serious emergency I trust that you will furnish a party of 40 men, with a due proportion of officers and non-commissioned officers, to act as an escort to the friendly Natives, who are all well-armed.

Lieut.-Colonel Trevor,
Commanding 14th Regiment.

I have, &c.
(Signed) G. GREY.

Enclosure 5 in No. 41.

Encl. 5 in
No. 41.

W. R. GRAY, Major, A.D.C., to the D.A.A. GENERAL, Wanganui.

SIR,

Before the Weraroa Pa, July 21, 1865.

I HAVE the honour, by direction of his Excellency the Governor, to state, for the information of the Brigadier-General commanding, that, as it is possible that an attack may be made on this camp to-night by the Weraroa Natives, to revenge themselves for 50 men who were going to reinforce them, but were taken prisoners by our friendly Natives early this morning, his Excellency has requested Lieutenant-Colonel Trevor to order to this camp, to remain until to-morrow, 30 men from the Nukumarū Redoubt, and 50 from the Waitotara. An escort of 40 men of the 2d battalion, 14th Regiment, having been sent to bring in the prisoners, the force in camp is reduced to 150 men, 50 of whom are an outlying piquet.

The D.A.A. General, Wanganui.

I have, &c.
(Signed) W. R. GRAY,
Major, A.D.C.

Enclosure 6 in No. 41.

Encl. 6 in
No. 41.

His Excellency the GOVERNOR to Colonel WEARE.

SIR,

Before the Pa, Weraroa, July 21, 1865.

I HAVE the honour to state that a critical state of affairs now prevails throughout the whole of the Wanganui districts, which renders it essential that the force here should be increased with as little delay as possible. I therefore beg that you will order 200 men, with a due proportion of officers, from the force under your command, to march for this place with all convenient despatch, here to place themselves under the command of Brigadier-General Waddy, who I expect immediately to

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arrive, but with whom I have had no opportunity of communicating since I received the intelligence which has led me to write this letter to you.

Colonel Weare, 50th Regiment,
Commanding at Patea.

I have, &c.
(Signed) G. GREY.

Enclosure 7 in No. 41.

Major W. R. GRAY to the D.A.A. GENERAL.

SIR,

Before the Weraroa Pa, July 21, 1865.

By direction of his Excellency the Governor, I have the honour to enclose a copy of a letter sent this day to Colonel Weare, requesting that he would order 200 men from the force under his command to march for this place with all convenient despatch; and I am to state that in consequence of the bad news received from Pipiriki, his Excellency considered this step imperatively necessary, as these men are required here to take the place of a large number of friendly Natives whose presence is urgently required up the Wanganui river.

The D.A.A. General, Wanganui.

I have, &c.
(Signed) W. R. GRAY,
Major, A.D.C.

Enclosure 8 in No. 41.

His Excellency the GOVERNOR to Major ROOKES.

MY DEAR SIR,

In front of Weraroa Pa, July 21, 1865.

I HEAR from Captain Ross that you have still another Pa on your side to take; to enable you to do this, we shall make a sham attack on the main Pa of Weraroa from this side to-morrow morning at daylight, and seize a position ourselves. I wish you continued success. McDonell has acted splendidly.

Truly yours,
(Signed) G. GREY.

P.S.—I rely on your having picked shots to give them no peace by day, and ambuscades well planted every night, so that nothing can get in or out in safety.

Major Rookes, in rear of Weraroa Pa.

Enclosure 9 in No. 41.

Major ROOKES to his Excellency the GOVERNOR.

MY DEAR SIR GEORGE,

10 p.m., July 21, 1865.

THE Weraroa is yours. Captain Ross, my Adjutant, will explain the rest.

Yours very faithfully,
(Signed) CECIL ROOKES.

Enclosure 10 in No. 41.

SIR,

Weraroa Pa, July 22, 1865.

I HAVE been directed by his Excellency the Governor to request that you return with the guns and mortars to Waitotara. They are not required here, the Weraroa Pa being occupied by the troops.

The Officer in charge of the Party advancing with
guns from Waitotara.

I have, &c.,
(Signed) W. R. GRAY,
Major A.D.C.

Enclosure 11 in No. 41.

SIR,

Before Weraroa Pa, July 22, 1865.

I AM directed by his Excellency the Governor to request that you will march your men back to your station at the Patea. The Weraroa Pa having surrendered, an augmentation of this force is now unnecessary.

The Officer commanding troops
on march from Patea to Weraroa.

I have, &c.,
(Signed) W. R. GRAY,
Major A.D.C.

Encl. 7 in
No. 41.

Encl. 8 in
No. 41.

Encl. 9 in
No. 41.

Encl. 10 in
No. 41.

Encl. 11 in
No. 41.

Enclosure 12 in No. 41.

His Excellency the GOVERNOR to Lieut.-Colonel TREVOR.

SIR,

I HAVE the honour to request you will furnish a sufficient escort to proceed from this to Waitotara with the Native prisoners, and from thence to Wanganui by steamer.

Lieut.-Colonel Trevor, 14th Regiment,
Commanding at Weraroa.

I have, &c.,
(Signed) G. GREY.

NEW
ZEALAND.Encl. 12 in
No. 41.

Enclosure 13 in No. 41.

THE Governor begs to express to Major Rookes, commanding Militia and Volunteers, Wanganui District, his sincere thanks for the gallantry and enterprise which he exhibited throughout the operations against the Weraroa Pa. To the conduct of the party under the immediate command of Major Rookes the success of these operations is to be almost entirely attributed.

Major Rookes will be good enough to inform the officers and men of the Colonial Forces, and the Chiefs and Natives, that nothing could have surpassed their good conduct and gallantry. The Governor thanks them all warmly for their services, and will bring their merits in detail under the notice of the Colonial Government.

Wanganui, July 23, 1865.

By command,
(Signed) W. R. GRAY,
Major A.D.C.

Encl. 13 in
No. 41.

Enclosure 14 in No. 41.

His Excellency the GOVERNOR to Brigadier-General WADDY.

SIR,

Wanganui, July 23, 1865.

As I am about to embark this morning for Wellington, I cannot write to you at such length as I should wish, but I cannot leave this place without expressing my thanks to you for the invaluable aid you have afforded me, by assisting me during the last few days to the extent that your instructions allowed. The aid you thus gave most materially conduced to the speedy capture of the Pa, a point of the utmost importance to attain whilst Captain Brassey and his party were in such danger at Pipiriki.

Lieut.-Colonel Trevor of the 14th Regiment, with a detachment of 100 men of that regiment, first arrived on the ground on the morning of the 25th inst. Lieut.-Colonel Trevor and the officers and men of the 14th afforded every assistance in their power.

Lieut.-Colonel Trevor was throughout in command of the troops; he acted with the greatest energy, and afforded on every occasion the most valuable advice and aid.

A little later, Captain Noblett, of the 18th, with 100 men of that regiment, very opportunely arrived, having made a very rapid march, and he, together with the officers and men of the 18th, gave every assistance in their power.

On the evening of the 21st a further detachment of 30 men of the 14th, under Captain Furneaux, and a detachment of 50 men of the 18th, under Major Rocke, arrived on the ground. The officers and men of which detachments also afforded every aid in their power.

Brigadier-General Waddy, C.B.,
Commanding Field Force.

I have, &c.,
(Signed) G. GREY.

Encl. 14 in
No. 41.

No. 42.

No. 42.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 97.)

Government House, Wellington, August 4, 1865.

(Received, October 16, 1865.)

(Answered, No. 86., October 26, 1865, page 251.)

SIR,

I HAVE the honour to enclose for your information a copy of the address with which I opened the General Assembly of New Zealand upon the 26th ultimo.

2. I have further the honour to enclose copies of the addresses in reply which I have received from the two houses of the General Assembly.

3. You will observe that both houses of the Assembly thank me for my promise at once to issue orders for the return of five regiments to England.

4. I earnestly request that you will bring under the notice of the Right Honourable the Secretary of State for War the high terms in which both houses of the Legislature speak of the services of Brig.-General Waddy, C.B., of Colonel Warre, C.B., and of

NEW
ZEALAND.

Lieut.-Colonel Trevor, commanding the 14th Regiment, and of Her Majesty's forces in this country.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 1 in No. 42.

SPEECH addressed to the GENERAL ASSEMBLY by his Excellency the GOVERNOR, 26th July 1865.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Representatives.

In opening this fifth session of the present Parliament of New Zealand, I am able to congratulate you upon the partial establishment of peace, and the suppression of insurrection in several of the disturbed districts of this island. I trust that, whilst devising means for the repression of outrages which still occur, you will at the same time consider how to ensure the future peace of the country, and promote the union of the two races, by facilitating the admission of Her Majesty's subjects of the Native race to a full and equal participation in the privileges of self-government.

It is my intention to invite certain Native Chiefs to meet at Wellington, and a Bill will be laid before you, enabling me to appoint from among them a commission to report and advise upon the best means of obtaining a Parliamentary representation of the Native race.

The resolutions passed by your respective Chambers in the last Session of the General Assembly, relative to the withdrawal from the Colony of Her Majesty's Land Forces, were duly transmitted by me to Her Majesty's Secretary of State. From the tenor of my most recent despatches, I am led to infer that the policy agreed to by you has been approved of, and will be fully adopted by the Home Government. The Taranaki and Wanganui country has long been a focus of disaffection and fanaticism. Peace cannot be real or lasting which is not preceded by the establishment of Her Majesty's authority in these districts, to be permanently secured by the opening of roads and the formation of self-defending settlements. Pending the decision of the Home Government, I determined therefore to avail myself of the services of a portion of the Imperial troops, so long as they remained in the Colony, for the establishment of order in the district between Taranaki and Wanganui, and I issued instructions accordingly to Lieut.-General Cameron, which will be laid before you.

Contrary to my anticipations, however, considerable delay took place, which involved consequences fraught with disaster, and which led to fresh outbreaks in other parts of the Colony. I therefore ordered the Colonial Forces to advance against the Wereroa Pa, a movement which has resulted in its capture.

The thanks of the Colony are due to Major Rookes, commanding, and to the officers and men of Her Majesty's European and Native Colonial Forces engaged in this important operation.

I also recognise the readiness with which Brig-General Waddy, C.B., Colonel Trevor, and the officers and men under their command, afforded me all the assistance that was in their power, though precluded by their orders from taking any active part in the operations against the enemy's stronghold.

I am able in the meantime to congratulate you on the improved state of the settlement of Taranaki, and on the immediate prospect of its ceasing to be a source of weakness to New Zealand. For this results the Colony is mainly indebted to the zeal, energy, and ability of Colonel Warre, C.B., commanding that district; and to the conduct of Her Majesty's Forces, Imperial and Colonial, of both races, under his command.

Additional proof has been afforded throughout the operations at Taranaki and Wanganui that the Colony may rely with confidence on the skill and gallantry of its own officers and men; whilst the devoted courage evinced by the loyal Natives has placed beyond doubt the attachment of a large portion of the Native race to the Crown, to their European fellow subjects, and to the cause of order against turbulence and fanaticism.

I shall now at once issue orders for the return to England of five regiments, which I trust and believe may be quickly followed by the remainder of the Imperial Troops. The conditions imposed on the Colony for the full attainment of Constitutional Government in Native as well as in ordinary affairs will thus be fulfilled.

Gentlemen of the House of Representatives.

The measures adopted by you in your last session have enabled me, by the disposal of Colonial Securities, in a great measure to relieve the financial embarrassment in which the Colony was then placed.

The credit of the Colony however, in England, has been and continues to be injuriously affected by the extent and manner in which Provincial Loans have been contracted and placed for negotiation on the English money market. You will, I trust, take into your consideration the means by which these evils may be remedied, and the conditions under which Provincial Loans may in future be regulated, and their payment guaranteed out of the General Revenue, with safety to the Colony and increased security to the public creditor.

In order to provide for the burthens pressing on the Colony, it is my intention to submit to you proposals for raising additional Revenue by Stamp duties.

I trust that by reducing to the utmost limit all extraordinary expenditure connected with the suppression of the present Native insurrection, or incidental thereto, and by careful economy in the ordinary services of Government, you will be enabled to sustain the credit of the Colony, and provide for its financial exigencies, without encroaching materially on the provision heretofore made out of the General Ordinary Revenue for the service of the Provinces.

It will, however, be necessary for you to consider the expediency of modifying to some extent the present distribution of the Ordinary Revenue between the General Government and the Provinces.

It has been a source of great satisfaction to me that my Government has been enabled, by an improved system of Treasury accounts, to lay before the public full information as to the state of the Revenue and Expenditure of the Colony to the latest possible period.

I trust that you will take measures for securing the permanence of this system, and that you will further provide effectual checks against the expenditure of public money without authority of law.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Representatives.

The changes which have taken place in the relative distribution of population and wealth in different districts will render it necessary for you to re-adjust the representation of the Colony.

In pursuance of the powers vested in me by an Act of last session, I have agreed with the Panama, New Zealand, and Australian Royal Mail Steam Company to confirm, subject to certain modifications, the contract entered into with that body for the establishment of a Postal Service by way of Panama.

I have also entered into an agreement with the Government of New South Wales for admitting that Colony to an equal participation in the benefits of the contract, upon terms equitable in themselves, and which will I doubt not prove equally advantageous to both Colonies.

The completion of these arrangements, with the liberty of extending them to other Australasian Colonies, will require your sanction.

The recent discoveries of gold on the West Coast of the Middle Island have opened new fields for colonization, and given a fresh impetus to the development of the material resources of the Colony.

Amongst many causes of anxiety which have clouded our prospects, it has been to me a source of great satisfaction to observe the steady advance of the Colony in population and wealth. I see no cause for anticipating any check to this onward progress, which, with God's blessing, cannot fail to carry it through difficulties, temporary in themselves, and already beginning to disappear.

Enclosure. 2. No. 42.

Encl. 2 in
No. 42.

ADDRESS in reply to his Excellency's Opening Speech.

May it please your Excellency,—

We, Her Majesty's most dutiful and loyal subjects, the Legislature Council of New Zealand, in Parliament assembled, beg leave to return our thanks to your Excellency for the speech with which you have been pleased to open the Assembly.

We hear with satisfaction that your Excellency is able to congratulate us upon the partial establishment of peace, and the suppression of insurrection in several of the disturbed districts of this Island, and we assure you that, whilst devising means for the repression of outrages which may still occur, we will at the same time consider how to ensure the future peace of the country, and promote the union of the two races.

We accept with satisfaction the announcement that a Bill will be laid before us enabling your Excellency to appoint a Commission who may report and advise upon the best means of obtaining a Parliamentary representation or otherwise providing for the Government of the Native race, and that to the better attainment of that object it is your Excellency's intention to invite certain Native Chiefs to meet at Wellington.

It is gratifying to us to learn that the Resolutions passed by the respective Chambers of the Legislature in the last Session, relative to the withdrawal from the Colony of Her Majesty's land forces, were duly transmitted by your Excellency to Her Majesty's Secretary of State, and that, from the tenor of his most recent despatches, your Excellency is led to infer that the policy agreed to by us has been approved of, and will be fully adopted by the Home Government.

We are aware that the Taranaki and Wanganui country has long been a focus of disaffection and fanaticism, and that peace cannot be real or lasting which is not preceded by the establishment of Her Majesty's authority in these districts, to be permanently secured by the opening of roads and the formation of self-defending settlements, and other necessary measures. The course adopted by your Excellency, pending the decision of the Home Government, in determining to avail yourself of the services of a portion of the Imperial troops so long as they remained in the Colony, for the establishment of order in the district between Taranki and Wanganui, and in having issued instructions accordingly to Lieut.-General Cameron, gives us entire satisfaction.

We regret that, contrary to your Excellency's anticipations, considerable delay has taken place, which involved consequences fraught with disaster, and during which fresh outbreaks occurred in other parts of the Colony; and thank your Excellency cordially for having ordered the Colonial Forces to advance against the Wereroa Pa, a movement which we are highly gratified to learn has resulted in its capture.

We agree that the thanks of the Colony are due to Major Rookes commanding, and to the officers and men of Her Majesty's European, Colonial, and Native forces engaged in this important operation.

We also agree with your Excellency in recognizing the readiness with which Brigadier General Waddy, C.B., Colonel Trevor, and the officers and men under their command, afforded you all the assistance which was in their power, though precluded, as they conceived, by their orders, from taking any active part in the operations against the enemy's stronghold.

It is gratifying to learn that, in the meantime, your Excellency is able to congratulate us on the improved state of the settlement of Taranki, and on the immediate prospect of its ceasing to be a source of weakness to New Zealand; for this we recognize that the Colony is mainly indebted to the zeal, energy, and ability of Colonel Warre, C.B., commanding that district, and to the conduct of Her Majesty's forces, Imperial and Colonial, of both races, under his command.

We concur in the opinion that additional proof has been afforded throughout the operations at Taranaki and Wanganui that the Colony may rely with confidence on the skill and gallantry of its own officers and men; whilst the devoted courage evinced by the loyal Natives has placed beyond doubt the attachment of a large portion of the Native race to the Crown, to their European fellow-subjects, and to the cause of law and order against turbulence and fanaticism.

We thank your Excellency for your promise at once to issue orders for the return to England of five regiments, which we trust and believe will be quickly followed by the remainder of the Imperial troops. We rejoice to think that the conditions imposed on the Colony for the full attainment of Constitutional Government, in Native as well as in ordinary affairs, will thus be fulfilled. We assure your Excellency that, in consequence of the changes which have taken place in the relative distribution of population and wealth in different districts, we will take into consideration the re-adjustment of the representation of the Colony.

We thank your Excellency for the information that, in pursuance of the powers vested in you by an Act of last Session, your Excellency has agreed with the Panama, New Zealand, and Australian Royal Mail Steam Company to confirm, subject to certain modifications, the contract entered into with that body for the establishment of a Postal Service by way of Panama, and that you have also entered into an agreement with the Government of New South Wales for admitting that Colony to an equal participation in the benefits of the contract, upon terms equitable in themselves and which will we doubt not prove equally advantageous to both Colonies. The completion of these arrangements with the means of extending them to other Australasian Colonies, will receive our consideration.

It is a matter for congratulation that the recent discoveries of gold on the West Coast of the Middle Island have opened new fresh for colonization, and given a fresh impetus to the development of the material resources of the Colony.

In common with your Excellency, we are thankful to observe, notwithstanding many causes of anxiety which have clouded our prospects, the steady advance of the Colony in population and wealth; and we concur with your Excellency in seeing no cause for anticipating any check to this onward progress which, with God's blessing, cannot fail to carry it through difficulties temporary in themselves and already beginning to disappear.

Encl. 3 in
No. 42.

Enclosure 3 in No. 42.

HOUSE OF REPRESENTATIVES.

RESOLUTION for an ADDRESS in reply to HIS EXCELLENCY'S SPEECH.

May it please your Excellency,—

We, the House of Representatives, in Parliament assembled, humbly thank your Excellency for the Speech with which you have been pleased to open the Session.

We express our satisfaction that your Excellency is able to congratulate us upon the partial establishment of peace, and the suppression of insurrection in several of the disturbed districts of this Island, and assure your Excellency that, whilst devising means for the repression of outrages which may still occur, we will at the same time consider how to ensure the future peace of the country, and promote the union of the two races.

We accept with satisfaction the announcement of your Excellency's intention to invite certain Native Chiefs to meet at Wellington, and that a Bill will be laid before us enabling your Excellency to appoint from among them a commission, to report and advise upon the best means of obtaining a Parliamentary representation of the Native race.

We express our gratification at learning that the Resolutions passed by the respective Chambers of the Legislature in the last Session, relative to the withdrawal from the Colony of Her Majesty's land forces, were duly transmitted by your Excellency to Her Majesty's Secretary of State, and that from the tenor of his most recent despatches we are led to infer that the policy agreed to by us has been approved of and will be fully adopted by the Home Government.

We inform your Excellency that we are aware that the Taranaki and Wanganui country has long been a focus of disaffection and fanaticism; and that peace cannot be real or lasting which is not preceded by the establishment of Her Majesty's authority in these districts, to be permanently secured by the opening of roads, and the formation of self-defending settlements.

We express our satisfaction at the course adopted by your Excellency, pending the decision of the Home Government, in determining to avail yourself of the services of a portion of the Imperial troops so long as they remained in the Colony, for the establishment of order in the district between Taranaki and Wanganui, and in having issued instructions accordingly to Lieut.-General Cameron.

We express our regret that, contrary to your Excellency's anticipations, considerable delay took place, which involved consequences fraught with disaster, and which led to fresh outbreaks in other parts of the Colony, and thank your Excellency cordially for having ordered the Colonial forces to advance against the Wereroa Pa, which movement we are highly gratified to learn has resulted in its capture.

We acknowledge that the thanks of the Colony are due to Major Rookes commanding, and to the officers and men of Her Majesty's European and Native Colonial forces engaged in this important operation.

We state our concurrence with your Excellency in recognising also the readiness with which Brigadier-General Waddy, C.B., Colonel Trevor, and the officers and men under their command, afforded you all the assistance which was in their power, though precluded by their orders from taking any active part in the operations against the enemy's stronghold.

We express our satisfaction that in the meantime your Excellency is able to congratulate us on the improved state of the settlement of Taranaki, and on the immediate prospect of its ceasing to be a source of weakness to New Zealand, for which the Colony is mainly indebted to the zeal, energy, and ability of Colonel Warre, C.B., commanding that district, and to the conduct of Her Majesty's forces, Imperial and Colonial, of both races, under his command.

We express our agreement in the opinion that additional proof has been afforded throughout the operations at Taranaki and Wanganui that the Colony may rely with confidence on the skill and gallantry of its own officers and men; whilst the devoted courage evinced by the loyal Natives has placed beyond doubt the attachment of a large portion of the Native race to the Crown, to their European fellow subjects, and to the cause of law and order against turbulence and fanaticism.

We thank your Excellency for your promise at once to issue orders for the return to England of five regiments, which we trust and believe will be quickly followed by the remainder of the Imperial troops. We express our satisfaction that the conditions imposed on the Colony for the full attainment of Constitutional Government, in Native as well as in ordinary affairs, will thus be fulfilled.

We express our satisfaction that the measures adopted by us in our last Session have enabled your Excellency, by the disposal of Colonial securities, in a great measure to relieve the financial embarrassment in which the Colony was then placed.

We express our regret at learning that the credit of the Colony in England has, however, been and continues to be injuriously affected by the extent and manner in which Provincial Loans have been contracted and placed for negotiation on the English money market, and to assure your Excellency that we will take into consideration the means by which these evils may be remedied, and the conditions under which Provincial Loans may in future be regulated, and their payment guaranteed out of the general revenue, with safety to the Colony and increased security to the public creditor.

We assure your Excellency that, in order to provide for the burdens pressing on the Colony, we shall give our best consideration to any proposals for raising additional revenue by Stamp Duties.

We join with your Excellency in trusting that by reducing to the utmost limit all extraordinary expenditure connected with the suppression of the present Native insurrection, or incidental thereto, and by careful economy in the ordinary services of Government, we shall be enabled to sustain the credit of the Colony, and provide for its financial exigencies, without encroaching materially on the provision heretofore made out of the general ordinary revenue for the service of the Provinces.

We inform your Excellency that we will take into consideration the expediency of modifying to some extent, the present distribution of the ordinary revenue between the General Government and the Provinces.

We unite with your Excellency in the expression of our satisfaction that your Government has been enabled by an improved system of Treasury Accounts to lay before the public full information as to the state of the revenue and expenditure of the Colony to the latest possible period.

We assure your Excellency that we will take into our consideration measures for securing the permanence of this system, and for providing effectual checks against the expenditure of public money without authority of law.

We assure your Excellency that in consequence of the changes which have taken place in the relative distribution of population and wealth in different districts we will take into consideration the re-adjustment of the representation of the Colony.

We thank your Excellency for the information that, in pursuance of the powers vested in your Excellency by an Act of last Session, your Excellency had agreed with the Panama, New Zealand, and Australian Royal Mail Steam Company to confirm, subject to certain modifications, the contract entered into with that body for the establishment of a postal service by way of Panama, and that your Excellency has also entered into an agreement with the Government of New South Wales for admitting that Colony to an equal participation in the benefits of the contract upon terms equitable in themselves, and which will, we doubt not, prove equally advantageous to both Colonies.

We assure your Excellency that the completion of these arrangements, with the means of extending them to other Australasian Colonies, will receive our consideration.

We express our gratification that the recent discoveries of gold on the West Coast of the Middle Island have opened new fields for colonization, and given a fresh impetus to the development of the material resources of the Colony.

We express our satisfaction, in common with your Excellency in observing, notwithstanding many causes of anxiety which have clouded our prospects, the steady advance of the Colony in population and wealth; and we concur with your Excellency in seeing no cause for anticipating any check to this onward progress, which, with God's blessing, cannot fail to carry it through difficulties, temporary in themselves, and already beginning to disappear.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 99.)

Government House, Wellington, August 7, 1865.

(Received Oct. 16, 1865.)

(Answered, No. 83, Oct. 23, 1865, page 250.)

SIR,

ADVERTING to your Despatch, No. 41,* of the 26th of May last, in which you allude to the distinguished services rendered by the loyal Natives of Whanganui, I have the honour to enclose, for your information, a list of the pensions and gratuities granted by the Colonial Government, on Her Majesty's behalf, to those Natives who were wounded in the actions at Montoa and Ohotahi.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have &c.
(Signed) G. GREY.

*Vide Papers presented June 2, 1865, page 16. Memo. by Mr. Richmond, July 22, 1865.

Encl. in No. 43.

Enclosure in No. 43.

LIST of Pensions and Gratuities to be given to loyal Natives wounded at Montoa and Ohotahi.

PENSIONS.				GRATUITIES.			
	s.	d.			£	s.	d.
1. Tamehana Te Aewa	-	2	6 per diem for life.	1. Winiata Pakori	-	5	0 0
2. Aperaniko	-	1	0 "	2. Aterea Te Whitu	-	2	10 0
3. Pere Te Kainga	-	2	6 "	3. Tinarau	-	5	0 0
4. Rutana Panipuni	-	1	0 "	4. Aperahama Te Tuatara	-	2	0 0
5. Koroneho	-	1	0 for twelve months.	5. Wi Pekapeka	-	1	0 0
6. Maha	-	1	6 "	6. Timoti Ngahi	-	3	0 0
7. Parahi	-	0	6 "	7. Hapimana Te Uranga	-	1	0 0
8. Anani	-	1	6 "	8. Reihana	-	1	0 0
9. Horapapera Te Peku	-	1	6 per diem for life.	9. Rewi Raupo	-	1	0 0
10. Rikari Te Hiria	-	2	6 "	10. Peretini Tairua	-	3	0 0
11. Te Reare Pomua	-	2	0 "	11. Paranihi (further information wanted).			
				12. Rotohiko Te Paurere			
				13. Te Karira Kukuhu (believed to have died).			

These pensions and gratuities have been estimated upon the report of a Medical Board, at the same rate as in cases of the European Militia.

If his Excellency sees no objection, the Natives should be at once informed of the amounts awarded, and that payments will be made through the proper authorities by the first opportunity for remitting money to Wanganui.

Colonial Secretary's Office, Wellington,
July 22, 1865.

(Signed) J. C. RICHMOND.

No. 44.

No. 44.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 102.)

Government House, Wellington, August 12, 1865.

(Received Oct. 16, 1865.)

(Answered, No. 86, Oct. 26, 1865, page 251.)

SIR,

ADVERTING to my Despatch of the 13th ultimo, marked "separate,"* in which I transmitted for your information a copy of a communication I had received from my Responsible Advisers acquainting me that it was their intention immediately after the meeting of the General Assembly to resign their offices, I have now the honour to enclose the copy of a communication I have since received from them. You will be glad to learn from this that circumstances which have occurred subsequently to their determining to resign their offices have led them to alter their intentions, and I am happy to say that none of the political embarrassments I anticipated are now likely to arise.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

* Page 129.

Enclosure in No. 44.

MEMORANDUM by Ministers.

NEW
ZEALAND.

Encl. in No. 44.

In their memorandum of the 12th instant, Ministers inform the Governor that "it will be the duty of Ministers, having placed before the Colonial Parliament the exact state of affairs, to tender their resignation to his Excellency the Governor, so as to replace in the hands of the Assembly a trust which they can no longer hope to carry out."

Ministers having taken into consideration Mr. Cardwell's Despatch of the 26th of April 1865, which has been received by them this day, and having at the same time received information that the resignation of Lieut.-General Sir Duncan A. Cameron has been accepted, understand that their policy is recognized by the Home Government, and that the discretionary powers which had been recently vested in the Lieut.-General Commanding by the Home Government have reverted to his Excellency the Governor, and consequently that they are no longer under the necessity of placing their resignations in the hands of his Excellency.

Wellington, July 24, 1865.

(Signed) FRED. A. WELD.

No. 45.

No. 45.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 106.)

Government House, Wellington, August 14, 1865.

(Received Oct. 16, 1865.)

SIR,

(Answered, No. 85, Oct. 26, 1865, page 250.)

UPON the receipt of your Despatch, No. 24,* of the 24th of April last, I lost no time in calling the attention of my Responsible Advisers to the several questions you had raised in it.

2. In reference to the intimation you then gave me of the possibilities of the disallowance of the New Zealand Settlements Act, 1863, my Responsible Advisers have requested me to transmit to you the enclosed memorandum, in which they state their reasons for believing that the disallowance of that Act would be fraught with consequences disastrous to the Colony of New Zealand.

2. They at the same time have requested me to forward for your information a Bill, which is now before the General Assembly, for altering, amending, and continuing the New Zealand Settlements Act, 1863.

4. When this Bill has become law, I will again write to you on this subject, should it appear necessary to do so. In the meantime you may rest assured that nothing shall be done under the New Zealand Settlements Act which would not in my belief meet your entire approval.

* Vide Papers presented May 9, 1865, page 14. Memo. by Mr. Weld, July 24, 1865.

The Right Hon. Edward Cardwell, M.P.

I have, &c.

&c.

&c.

&c.

(Signed) G. GREY.

Enclosure in No. 45.

Encl. in No. 45.

Wellington, August 14, 1865.

WITH reference to Mr. Cardwell's Despatch of the 24th April last (No. 24, New Zealand), in which Mr. Cardwell intimates a possibility of the Home Government disallowing "The New Zealand Settlements Act, 1863," and the "Amendment Act, 1864," Ministers beg to express in the strongest terms their opinion that such disallowance would be fraught with consequences disastrous to the Colony.

Whatever may have been the objections to that measure, it has been largely brought into practical operation. Great tracts of land are being dealt with in accordance with its provisions. To annul these by disallowing the Colonial Acts would be to paralyze the Government, and involve the Colony in inextricable difficulty.

The intention of the present Ministers is, and has been throughout, to confine the confiscation of land taken from the rebel Natives within such limits as may inflict no undue hardships on the rebels, nor wrong on those who have remained loyal. But if the colony is to be charged with the responsibility of its own internal Government and defence, Colonial Ministers claim for themselves the right of determining the question as to what land should be confiscated, and subject to what conditions.

It will be otherwise impossible for them to undertake the responsibility of conducting the Colonial Government.

Ministers are earnestly desirous of adapting their measures so as to meet Mr. Cardwell's objects, in which generally they express their concurrence.

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Sub-Enclosure.

They transmit a copy of a Bill now in progress through the General Assembly, the effect of which will be to vary the provisions of "The New Zealand Settlements Act" in several important particulars.

In the first place, instead of making the Act terminable, as provided by the Amendment Act, 1864, it is proposed to make it perpetual. This is necessary in order to keep alive those portions of the Act which relate to the management and disposal of confiscated land. The objects of the Imperial Government will, however, be provided for, by the conditions that no land shall be compulsorily taken or by way of forfeiture after the 31st December 1867.

This extension of time is rendered necessary by the unexpected prolongation of the war, which Ministers mainly attribute to the unfortunate course adopted by the Lieut.-General in command of Her Majesty's forces.

It is impossible to calculate with absolute exactness the period when the war may be brought to a final close, and the Colony restored to a state of peace, so as to make it prudent or safe to put an end to the penal provisions of "The New Zealand Settlements Act," though Ministers do not anticipate any prolongation of such period.

In the next place, it will be seen that by the proposed Act provision is made to remove some of the grave objections which existed to the Act in its original form; in particular it is intended to give the Executive Government express power to provide for the claims of loyal Natives, by assignments of land, and also to exclude land from the operations of the Act, so that in the case of land belonging to loyal Natives their rights will not be disturbed.

The case, however, is one in which, with the utmost deference to the Imperial Authorities, Ministers feel it their duty to point out that under the altered relations between the Colony and the mother country the fullest discretionary power must be left with the Colonial Government.

(Signed) F. A. WELD.

Sub-Enclosure.

Sub-Enclosure.

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Anno vicesimo nono Victoria Reginae.

No.

ANALYSIS.

Title.	
Preamble.	11. Form of order and award.
1. Short Title.	12. Payment or transfer not to be required till after a lapse of three months.
2. Continuance of former Acts. Power of Governor to proclaim districts not to be exercised.	13. Repeal of 14th and 15th clauses of the Act 1863. Provision in lieu thereof.
3. Power of Governor to make regulations for proceedings of Compensation Court.	14. Payment or transfer to be made to persons specifically named.
4. Regulations to be published in the Government Gazette.	15. Governor to have the power of laying out land for sale.
5. Claims to specify particulars.	16. Governor may grant land subject to conditions of military and other services.
6. The Crown may abandon land in respect of which compensation is claimed.	17. Application of proceeds of sale.
7. Bills of costs, &c. to be taxed by any officer appointed by the Compensation Court.	18. Power to issue Treasury Bills in anticipation of land sales.
8. Parties may agree that compensation shall be in land.	19. Application of proceeds of Treasury Bill.
9. The Crown may elect to give compensation in Land.	20. Treasury Bills to be taken at par as cash for compensation money.
10. Power of appeal.	21. What sums shall be deemed to be expended for the permanent advantage of the Provinces.

Title.

A Bill intituled "An Act to Alter, Amend, and Continue "The New Zealand Settlements Act, "1863".

Preamble.

Whereas by "The New Zealand Settlements Act Amendment Act, 1864," (herein referred to as the Act of 1864,) it was enacted that "The New Zealand Settlements Act, 1863," (herein referred to as the Act of 1863,) and the said Act of 1864, should respectively continue in operation until the third day of December 1865, and it is expedient to alter and amend the said Act of 1863 as amended by the said Act of 1864, and to prolong the continuance thereof as so amended;

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short title.

I. The Short Title of this Act shall be "The New Zealand Settlements Amendment and Continuance Act, 1865."

Continuance of former acts.
Power of Governor to proclaim districts not to be exercised.
Power of Governor to make regulations for proceedings of compensation court.

II. The said Act of 1863, as amended by the said Act of 1864, and by this Act, is hereby made perpetual; provided that the powers vested by the said Act of 1863 in the Governor in Council of proclaiming Districts, and of reserving and taking land for settlement under the said Act, shall not be exercised after the third day of December 1867.

III. The Governor in Council shall have power from time to time to make regulations for the practice and procedure of the Compensation Courts, and of arbitrations, umpirages, and appeals under the said Acts and under this Act, and for establishing scales of fees in relation to all such proceedings, and may from time to time rescind, alter, and amend such Regulations.

IV. All such regulations, and all rescindings, alterations, and amendments thereof, shall be from time to time notified in the Government Gazette of the Colony, and shall take effect from the

Regulations to be published in

publication of such notice, or at such other day as shall be therein fixed, not being prior to the publication thereof.

V. Every claim for compensation under the said Act of 1863 shall specify the name or names of the claimant or claimants, the interest in respect whereof the claim is made, and as nearly as may be the extent and particulars of land affected thereby, and the amount claimed as compensation.

VI. In every case of claim for compensation the Colonial Secretary, on behalf of the Crown, may, if he shall think fit, at any time before judgment or award, by notice in writing to the claimant, delivered to or addressed by post to him or her or delivered to his or her agent or attorney, abandon the right of the Crown to take the land in respect of which compensation is claimed; and after such notice of abandonment such land shall be excluded from the operation of the said Acts and of this Act, Provided that if the Crown shall abandon its right after the claim shall have been referred to the Compensation Court such abandonment shall be subject to such conditions as to payment of costs as the Court shall think fit.

VII. All bills of costs, and charges of attorneys, solicitors, agents, and other persons engaged in prosecuting compensation, claims whether in the Compensation Courts, or by arbitration, shall, before payment, be taxed by some officer to be appointed in that behalf by the Compensation Court and such sum only as shall be allowed on such taxation shall be paid or allowed, and any money paid without or in excess of such taxation may be recovered from the person to whom the same shall have been paid.

VIII. In any case of claim for compensation the Colonial Secretary, on behalf of the Crown, and the claimant, may agree that land shall be given, either wholly or in part, by way of compensation for such claim, in lieu of money, and land may be so granted accordingly out of any land within the same Province, subject to the provisions of the said Acts.

IX. In every case of claim for compensation the Colonial Secretary may, at any time before judgment or award, elect to give the claimant land in lieu of money, out of any land within the Province subject to the provisions of the said Acts, such land to be either part of or as nearly as may be contiguous to the land in respect of which the claim is made, and in every such case the Compensation Court, or the arbitrators or umpire, as the case may be shall determine the extent of land so to be given as compensation, and land may in such case be granted accordingly.

X. Instead of the periods of six months and eighteen months prescribed by the seventh section of the said Act of 1863 for preferring claims for compensation, the period for such purpose shall be a period not less than three months nor more than six months, to be prescribed by the Compensation Court in each case; and the Court shall not proceed to hear or adjudicate upon claims so preferred till the expiration of the period so prescribed, and due notice of such period for preferring claims shall be given by direction of the Court, by advertisement in public newspapers or otherwise, by public notice in the Maori and English language: Provided that if any person shall after the expiration of such prescribed period, but within the period of twelve months thereafter, prefer to the Colonial Secretary a claim for compensation, it shall be lawful for the Colonial Secretary, if he shall think fit, but not otherwise, to refer such claim to the Court for adjudication, and in such case the Court shall hear and determine such claim accordingly.

XI. Every order of the Compensation Court and every award shall be made in writing, and shall be transmitted to the Colonial Secretary, and shall be in such form, and shall specify and be accompanied with such plans and particulars, as shall be from time to time prescribed by regulations to be made as aforesaid.

XII. No claimant shall be entitled to require payment or transfer of compensation, whether in money or land, until the expiration of three months after the judgment or award shall have been transmitted to the Colonial Secretary.

XIII. The 14th and 15th clauses of the Act of 1863 are hereby repealed, and in lieu thereof it is hereby enacted as follows:—

Judgments or awards of compensation in money or land made under or in pursuance of the said Acts or of this Act shall be satisfied by the Governor, in the case of money, by payment out of the general ordinary revenue of the Colony, subject to the provisions herein-after contained for making Treasury Bills payable as cash; and in case of land by grant of such land in accordance with the provisions of this Act.

XIV. Compensation in money shall be paid, and in land shall be granted to some person or persons to be specifically named in the order or award; and such payment or transfer shall be an effectual discharge to the Crown in respect of all claims in respect of which such compensation shall be made or granted; provided that the Governor may direct that money or land awarded as compensation shall be invested for the benefit of the parties entitled, upon such trusts, and in such manner, and subject to such conditions as he shall think fit.

XV. The 17th and 18th sections of the said Act of 1863 are hereby repealed, and in lieu thereof it is enacted as follows:—

The order and manner in which land shall be laid out for sale and sold under the provisions of the said Act shall be in the discretion of the Governor, who shall have power to cause such land or any part thereof to be laid out for sale, and sold, from time to time, in such manner, for such consideration, in such allotments, whether town, suburban, or rural, or otherwise, as he shall think fit, and subject to such regulations as he shall, with the advice of his Executive Council, from time to time prescribe in that behalf; provided that no land shall be sold except for cash, nor at a less rate than 10s. per acre.

XVI. If the Governor shall think it expedient to grant land taken under the Act of 1863 to persons, subject to conditions for the performance of military, police, or other public services, it shall be lawful for him, with such advice as aforesaid, to grant to any person or persons whomsoever any

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the Govern-
ment Gazette.

Claims to
specify particu-
lars.

The Crown
may abandon
land in respect
of which com-
pensation is
claimed.

Bills of costs,
&c. to be taxed
by any officer
appointed by the compensa-
tion court.

Parties may
agree that com-
pensation shall
be in land.

The Crown
may elect to
give compen-
sation in land.

Power of
appeal.

Form of order
and award.

Payment or
transfer not to
be required till
after a lapse of
three months.

Repeal of 14th
and 15th
clauses of the
Act of 1863.
Provision in
lieu thereof.

Payment or
transfer to be
made to persons
specifically
named.

Governor to
have the power
of laying out
land for sale.

Governor may
grant land, sub-
ject to condi-
tions of mili-

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tary and other
services.

Application of
proceeds of
sale.

land out of the land taken as aforesaid accordingly, and either with or without consideration in money, subject to conditions for the performance of military, police, or other public services; and the land so granted shall be held, dealt with, and disposed of subject to such conditions for the performance of such services as shall be so fixed by the Governor, and agreed to by the grantees; and such conditions shall be binding on the grantees, and all lessees, sub-lessees, sub-grantees, and occupants of the land granted, and may be enforced according to the terms thereof, and according to the provisions of this Act, and shall bind and oblige the grantees, lessees, sub-grantees, and occupants of such land to the performance of such military, police, or other public service, for such period and in such manner as shall be specified in such conditions; and the Governor may by such conditions provide that, in addition to all liabilities incurred by way of contract, the grantees, lessees, sub-lessees, sub-grantees, and occupants of such land shall be liable to penalties for breach or non-performance of such conditions; but no penalty shall exceed 100*l*; and all such penalties shall be recoverable in a summary way.

XVII. The 19th section of the said Act of 1863 is hereby repealed, and in lieu thereof it is enacted as follows:—

Money to arise from the sale and disposal of land in each Province under the said Acts of 1863 and 1864 and this Act shall be paid to the Colonial Treasurer, and shall be applied, first, in or towards defraying all charges incurred or to be incurred in surveying and preparing and laying out for sale of land within such Province, subject to the provisions of the said recited Act, and all charges incidental thereto, and all charges for compensation awarded and paid, or what may be awarded and paid, in respect of claims to land within such Province taken under the said Acts, and all expenses incidental to the examining, determining, and satisfying of such claims, and all proceedings relating thereto, and also all salaries of judges and other officers of the Compensation Court, and all expenses incidental to such Court, and also all charges incurred or to be incurred in introducing, locating, and maintaining immigrants introduced into such Province, including Military Settlers in accordance, with or in furtherance of the objects specified in "The Loan Appropriation Act, 1863," but exclusive of pay and rations for such immigrants whilst doing military service, and also all charges incurred or to be incurred in respect of public works undertaken within such Province, in accordance with or in furtherance of such objects as aforesaid, and next in or towards the payment of any compensation which may be or may have been awarded by law to individuals for losses within such Province by the Native Rebellion, including the compensation for losses at Taranaki paid to settlers; and after and subject to the payments aforesaid the residue of any such monies shall be applied in such manner as the General Assembly shall from time to time by any Act passed in that behalf direct.

Power to issue
Treasury bills
in anticipation
of land sales.

XVIII. In order to provide means in anticipation for defraying the charges first herein-before mentioned to be payable out of the proceeds of land sales, it shall be lawful for the Governor, with the advice of his Executive Council, from time to time to borrow and take up money on the security of Treasury Bills, bearing interest at a rate not exceeding six pounds per centum per annum, and payable out of the ordinary revenue at the expiration of a term not exceeding 18 calendar months from the date thereof; provided that the total amount of principal money owing on the security of such Treasury Bills for the time being in circulation under this Act shall not in the aggregate at any time exceed 25,000*l*.

Application of
proceeds of
Treasury bills.
Treasury bills
to be taken at
par as cash for
compensation
money.
What sums
shall be deemed
to be expended
for the permanent
advantage
of the pro-
vinces.

XIX. Money to accrue from the issue of such Bills may be applied to the purposes first herein-before mentioned, or any of them, as the Governor in Council shall think fit.

XX. Such Treasury Bills shall be taken at par as cash, in satisfaction of all claims for compensation for land taken under the said Act of 1863.

XXI. For the purpose of account between the Colony and the Provinces respectively, the sums first herein-before authorized to be paid out of the proceeds of land sales shall be deemed to be sums expended for the permanent advantage of the Provinces respectively.

No. 46.

No. 46.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 107.)

Government House, Wellington, August 14, 1865.

SIR,

(Received October 16, 1865.)

I HAVE the honor to transmit for your information a copy of a letter from Colonel Warre, C.B., in which he informs me that it is the intention of Sir D. Cameron to bring under the notice of the authorities at home an allegation that Colonel Warre has been in the habit of giving his opinion to me freely on military operations and military subjects of every kind, without Sir D. Cameron's knowledge.

2. I beg to state that in so far as I am concerned this statement of Sir D. Cameron's is wholly untrue, and I trust that in justice to myself an enquiry may be without delay instituted into the matter.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
G. GREY.

Col. Warre to
Sir G. Grey,
Aug. 2, 1865.

Enclosure in No. 46.

Colonel WARRE to Sir GEORGE GREY.

NEW
ZEALAND.New Plymouth, New Zealand,
August 2, 1865.

Encl. in No. 46.

MY DEAR SIR GEORGE GREY,

IN my endeavour to answer candidly and in a friendly spirit certain questions addressed to me in a private or semi-official letter from Lieut.-General Sir D. A. Cameron, prior to his departure from this country,

I have unfortunately exceeded my object, and he has arrived at a conclusion so entirely at variance with that I intended to convey that I feel it is due to your Excellency and the Colonial Ministers, as well as to myself, to request you will do me the favour to make known to the authorities at home, to whom Sir Duncan Cameron intends to refer the question, how far he is justified in making the following remarks; viz.

“ Auckland, July 26, 1865.

“ It was not without good reason that I asked you the questions contained in my letter of the 1st July, and I fully expected to find what you admit, that you have been in the constant habit of giving your opinions to the Governor and the Colonial Ministers freely on military operations and military subjects of every kind, without my knowledge. I can hardly believe that your conduct will be approved of by the authorities at home”

The admissions contained in my letter to Sir Duncan Cameron were confined to the expression of my opinions privately on all subjects connected with the Native insurrection, and in replying to questions verbally on any subjects that your Excellency or your Ministers, while resident in Taranaki, may have put to me.

I appeal to your Excellency whether I ever presumed to offer such opinions as “advice,” or whether I ever originated or suggested any military operations opposed to the known wishes or views of the late Lieut.-General Commanding.

His Excellency Sir George Grey, K.C.B.
&c. &c. &c.

I remain, &c.,
H. J. WARRE.

No. 47.

No. 47.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 108.)

Government House, Wellington, August 14, 1865.

(Received October 16, 1865.)

(Answered No. 5, 20 January 1866, page 268.)

SIR,

I HAVE been requested by my Responsible Advisers to transmit for your information their answers to certain accusations brought against them by Sir D. Cameron.

2. By the next mail I will send that officer's memorandum, with complete answers to his several allegations. I have not time to do so by this opportunity.

3. The simple fact is, that he has availed himself more or less of political feelings prevalent in the country to create ill feeling against either the Governor or his Advisers.

4. The removal of the seat of Government from Auckland to Wellington has necessarily at the present time created a very strong political feeling in the country, of which the General has availed himself to create a party in his favor, and has made the statements of which my Responsible Advisers complain, I think not unnaturally.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 1 in No. 47.

Encl. in No. 47.

MEMORANDUM.

Head Quarters. Auckland, July 26, 1865.

THE Lieut.-General Commanding has read the Governor's Memorandum of the 11th July, and has also shown it to Commissary-General Jones, a letter from whom on the subject is herewith enclosed.

The Lieut. General knows nothing of any interview held between the Governor and the Ministers at Wanganui in March last, nor has the Governor thought proper to forward to the Lieut.-General the memorandum of Ministers alluded to in his own memorandum.

With reference to the subsisting arrangement between the Imperial Authorities and the Colonial Government, the Lieut.-General begs to observe that Mr. Weld's letter of the 18th February, Major Atkinson's of the 22d February, with a copy of a ministerial memorandum of the same date enclosed, and the letter of his Excellency's private secretary of the 6th March, each and all, distinctly undertake to repay monthly into the commissariat chest the cost of all rations issued to the militia,

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and both the Lieut.-General and Mr. Jones considered this a *bonâ fide* engagement on the part of the Colony, until the payment of the March issues was refused.

This engagement was never cancelled by any subsequent arrangement, such as that stated by the Governor, part of which was that the Colonial Agents were to be instructed at once to issue and hand over to the Treasury in England New Zealand debentures to the amount of 500,000*l.* at the rate of 4 per cent. The Lieut.-General does not see how this remittance could be expected to cover liabilities amounting in March to upwards of 600,000*l.*, when all these liabilities were being increased by upwards of 10,000*l.* a month, and when it was known that New Zealand debentures were not saleable at par.

In regard to the inability of the Colonial Government to raise funds to pay and ration the militia at Wanganui, and to defray the expenses of the steamers required to keep open the communication, the Colony appears to have experienced no difficulty in raising funds to remove the seat of Government from Auckland to Wellington, to purchase new Government buildings, Government houses, residences for Ministers, increasing the number of Ministers, and augmenting their salaries, paying large sums as compensation to Taranaki settlers, and entering into a costly new postal service to England in addition to the existing one. These sums would probably have met the cost of the militia for several months.

The only steamers maintained by the Colony for the service above mentioned were the "Prince Alfred" and the "Sandfly," and the coals for them were provided by the commissariat without cost to the Colony. It was arranged that the entire cost of the "Gundagai" should be paid by the commissariat. The full cost to the Colony of the first two steamers could scarcely have exceeded 700*l.* a month, which amount could not have greatly interfered with providing funds to meet expenditure for the Wanganti militia.

The Governor's letter to the Lieut.-General of the 22d March, and the Lieut.-General's answer to it of the 5th April (not 3d April), referred solely to the Wanganui militia. The Lieut.-General's answer was not in general terms, as stated by the Governor, but clearly and distinctly specified the Wanganui militia, and the Lieut.-General cannot conceive how there could have been any misunderstanding on the subject; or how the Governor could ever have supposed that the arrangement sanctioned by the Lieut.-General was a general one for all the Colonial troops rationed by the commissariat. Mr. Jones has informed the Lieut.-General that he had never heard of such a general arrangement, or that it was ever contemplated.

As these circumstances have all been reported to the Lords Commissioners of Her Majesty's Treasury, it is unfortunate that the Governor should have fallen into such an error.

In reference to the Governor's statement on the 22d March, that the arrangement he proposed was only a temporary one, the Lieut.-General begs to observe that there was nothing in the state of affairs at that period, or in the plan of operation which the Lieut.-General was carrying out under his Excellency's instructions, to warrant the belief that the operations between Wanganui and Taranaki would immediately be brought to a successful issue, and that the war would thus terminate; nor can anything recently accomplished by Colonel Warre justify the Governor in using the language he did regarding the probable temporary nature of the arrangement, supposing that in using that language the Governor intended to refer to the duration of the war, which there is nothing in his letter to show.

The question is to what extent and for what period the British public is to be burdened with the expense of paying and rationing not only the Colonial militia and military settlers actually performing military service, whose number is inconsiderable, but also those who have been placed on their land, and are only liable to be called upon for service in cases of emergency. This question has been referred to Her Majesty's Government, and until their decision is known, if the Colonial Government are really unable to fulfil the engagement they entered into with the military authorities on the 18th and 22d February, the Lieut.-General will authorize the commissariat to continue to pay and ration the number of militia and military settlers who are now paid and rationed, on the conditions mentioned by Commissary General Jones, namely, that Colonial debentures bearing 4 per cent. interest be remitted from time to time to Her Majesty's Treasury sufficient to cover the full amount of all the advances and the cost of the rations, and that the terms upon which the debentures will be accepted be left entirely to the decision of the Lords Commissioners of the Treasury.

Whatever arrangement may be decided upon, however, it is highly desirable that the Colonial Ministers should henceforward be more careful and explicit in their money transactions, and that they should not contract any engagement with the Imperial Authorities which they do not intend and are not able strictly to fulfil.

It would also prevent misunderstanding if, before calling upon the Lieut.-General to sanction any arrangement for paying and rationing the militia out of Imperial funds, the Governor would make himself acquainted with the exact nature of that arrangement.

The Lieut.-General has little to say to the three last paragraphs of the Governor's memorandum, as the statement of general principles they contain affords no justification for escaping from liabilities indirectly entered into.

(Signed) D. A. CAMERON, Lieut.-General.

Enclosure 2 in No. 47.

MEMORANDUM by MINISTERS.

Ministers request the Governor to draw the attention of the Secretary of State for the Colonies to the following paragraph of Lieut.-General Sir Duncan A. Cameron's Memorandum of the 26th July 1865.

“The Colony appears to have experienced no difficulty in raising funds to remove the Seat of Government from Auckland to Wellington; to purchase Government Houses, residences for Ministers; increasing the number of Ministers, and augmenting their salaries; paying large sums as compensation to Taranaki Settlers; and entering into a costly new Postal Service to England in addition to the existing one.”

This paragraph assumes importance as it affords additional evidence of that strong political *animus* which has exercised so unfortunate an influence upon the actions of Lieut.-General Sir Duncan A. Cameron, to the great detriment of the public service in this Colony.

It was not to be expected that Lieut.-General Cameron should possess accurate information upon political subjects; but Ministers think that an officer in Her Majesty's service, holding a high and responsible position, ought not, without proper inquiry, to have given the authority of his name to statements incorrect in themselves and calculated injuriously to affect the Government of a Colony which it was his duty to assist.

Ministers do not admit that the Civil Government of this Colony is answerable to the Officer Commanding Her Majesty's Imperial Forces for a course of political action which they may consider conducive to the public service; nevertheless they will shortly notice the accusations brought against them.

1.—*Removal of the Seat of Government from Auckland; the purchase of New Government Houses; Residences for Ministers.*

The removal of the seat of Government had been decided upon as indispensable for the proper Government of the Colony by the Legislature before the advent to office of the present Ministry, and an appropriation had been made to provide for the necessary expenses of a sum in six per cent. debentures, which sum Ministers could legally have applied to no other purposes than those to which they have applied it. The change in the seat of Government was, in the opinion of Ministers, as well as of the Legislature, imperatively required on financial no less than on political grounds.

2.—*Increasing the number of Ministers.*

The usual number of Ministers has been six: the addition of one, now proposed by Ministers, bears no proportion whatsoever to the increasing pressure of business.

3.—*Augmenting the Salaries of Ministers.*

The salaries of Ministers have not for some years been augmented in any way directly or indirectly. As a matter of fact, the salaries of Ministers in New Zealand are on a lower proportionate scale than those of Ministers in other Colonies, or of many other high officials in New Zealand.

4.—*Paying large sums as compensation to Taranaki Settlers.*

The compensation to the Taranaki Settlers was voted by the Legislature in 1862; interest has since been paid upon it, and the principal has recently been satisfied by Colonial Debentures, the Colony not having cash at its disposal.

5.—*The entering into a new and costly Postal Service to England, in addition to the existing one.*

The Panama contract was completed in fulfilment of obligations which had already been entered into by a previous Ministry, in the expectation that the financial advantages, direct and indirectly, would be more than commensurate with the cost. In this belief the present Ministry concurs.

In regard to the question of the advances from the Commissariat chest, Ministers will simply state that they made a *bonâ fide* offer to repay such advances in cash upon demand, with the full intention of carrying that offer into effect.

This arrangement was, however, immediately followed by a demand on the part of Lieut.-General Sir D. A. Cameron for additional Colonial troops, and at the same time it became evident to Ministers that they might expect an unnecessary prolongation of the campaign, and consequent waste of Colonial resources. Ministers consequently represented their inability to render additional assistance to the General, or to keep up the Colonial steam service for the use of the Imperial Commissariat, without a modification of the agreement respecting advances. They understood that their proposal had been accepted; they provided the additional forces; they allowed their steamers, which they had proposed to sell, to remain in the Imperial service. Then, after a lapse of three months, a sudden and unexpected demand was made upon them in the terms of the original agreement. Ministers at once referred to the Governor for his opinion as to the circumstances of the case. His Excellency's view as to what had really taken place coincided with theirs. They confidently trust that neither their character nor that of the Colony will suffer from a candid review of these facts.

In reference to Sir D. A. Cameron's statement, that he does not see how the remittance of debentures to the amount of 500,000*l.* could be expected to cover liabilities amounting in March to upwards of 600,000*l.*, when these liabilities were being increased by 10,000*l.* a month, Ministers transmit a Statement of Account, prepared by the Auditor of Public Accounts, which will show that the remittance already made to the Imperial Government covers all liabilities, as nearly as may be, up to the 30th June last.

Wellington, 12th August 1865.

FRED. A. WELD.

STATEMENT of ACCOUNT between the IMPERIAL GOVERNMENT and the Colony of NEW ZEALAND, from the Documents at present in the possession of the Colonial Government.

Dr.		Dates when Account rendered.	Cr.	
	£ s. d.		£ s. d.	£ s. d.
To "Error admitted," (<i>vide</i> Appendix, House of Representatives 1863, page 7, B.—No. 4.) -		1861. May 17	By accounts rendered to Colonial Secretary - - -	53,183 1 4
<i>Contributions on account of Her Majesty's Troops:</i>		June 7	- Ditto ditto - - -	15,192 6 11
Remitted for the 3 months ending 31st March 1862 - - -	85,891 10 4	June 11	- Ditto ditto - - -	25,868 15 0
Remitted for the year ending 31st March 1863 (say) - -	6,929 13 9	Aug. 7	By accounts rendered to Assistant Military Secretary -	12,959 13 1
Remitted for the year ending 31st March 1864 - - -	28,175 16 8		Deductions amounting to -	107,203 16 4
Remitted for the 9 months ending 31st December 1864 - -	33,906 6 8			2,238 16 7
	38,157 4 0			104,964 19 9
[NOTE.—The Imperial claim of 5 <i>l.</i> per man for Troops, remitted from 1st January 1862 to 1st January 1865. See Appendix, House of Representatives, page 3, B.—No. 7.]		Nov. 25 1862.	By accounts rendered to Assistant Military Secretary -	18,731 5 0
Proportion of Transport Service on the Waikato, and other claims (say) - - - - -	107,169 1 1	Mar. 20	- Ditto ditto - - -	7,386 13 11
		May 9	- Ditto ditto - - -	35,729 13 1
		Aug. 11	- Ditto ditto - - -	2,011 5 8
		Sept. 2 and Dec. 11	By accounts rendered to Private Secretary, including the difference between the Commissariat Statements and Treasury Minute of 29th October 1861 -	* 100,807 4 11
		Nov. 4 1863.	- Ditto ditto - - -	4,494 5 5
		Apr. 15	By contribution on account of the Imperial Troops, from 1st April 1862 to 31st March 1863, &c. - - -	274,125 7 9
	273,060 11 5	1864. May 5	By advances from Imperial Chest, August to December 1863 -	28,175 16 8
			By contribution H.M. Troops from 1st April 1863 to 31st March 1864 - - -	186,000 0 0
			By Rations issued to Colonial Forces, December 1863 to March 1864 - - -	33,906 6 8
			By cost of Implements issued from Military Store -	38,721 14 0
			By Rations issued to Colonial Forces at Tauranga, February 1864 - - -	425 10 1
		Nov. 12	- Ditto ditto April 1864 -	307 12 8
		Nov. 29	- Ditto ditto Port Waikato -	9,458 16 4
			- Ditto ditto - - -	541 17 8
		1865.	- Ditto ditto - - -	8,541 6 5
		Jan. 25	- Ditto ditto at Te Awamutu -	1,142 0 4
			- Ditto ditto June 1864 -	8,783 11 2
		Mar. 3	- Ditto ditto July 1864 -	13,992 19 2
			- Deduct - - -	205 12 3
		Apr. 6	- Ditto ditto September 1864 -	13,787 6 11
		Apr. 26	- Ditto ditto October 1860 -	24,288 2 5
			- Ditto ditto - - -	12,912 16 7
		May 30	- Ditto ditto December 1864 -	141 15 11
		June 12	- Ditto ditto - - -	18,186 0 4
		July 26	- Ditto ditto March 1865 -	15,651 6 10
			By contribution H.M. Troops to 31st March 1865 - - -	8,232 13 7
			By Pay of Colonial Forces, March 1st to June 30th 1865 -	50,876 5 0
			By Supplies from Military Store and Purveyor's Department -	6,283 0 5
			Total Claims rendered -	977 6 10
			Add Estimated Claims outstanding -	741,466 14 7
				35,000 0 0
				776,466 14 7

* The Colonial Government is in possession of no information by which the discrepancy between the claims, as stated by the Commissariat Department and the claims as rendered by the Imperial Treasury, can be explained.

On reference to the Appendix to the Journals of the House of Representatives for the year 1863, p. 7., B. No. 4., it will be seen that the sum of 274,125*l*. 7*s*. 9*d*. is made up as follows:—

	£	s.	d.
Treasury Minute, 24th May 1862	-	-	-
Local Forces,—Pay, Rations, &c., to 30th June 1862	-	193,180	5
Do. do. do. to 30th September 1862	-	17,394	4
H.M. Troops,—Contribution for year ending 31st March 1862	-	4,452	4
Road-making, to 30th June 1862	-	27,718	15
Do. 30th September 1862	-	31,337	17
	-	42	1
	-	274,125	7
			9

On comparing this statement with the one preceding it on the same page of the Appendix, it seems probable that the Treasury Minute of the 24th May 1862 includes the claims for "Fencibles," the Steamers "Wonga Wonga," &c., amounting to 85,891*l.* 10*s.* 4*d.* This sum the Commissariat Officer states to be "admitted error," although he includes it now in his Statement of Accounts. The apparent overcharge is debited the Imperial Government in the present statement.

August 10th, 1865.

CHARLES KNIGHT,
Auditor of Public Accounts.

Note.—The 500,000*l.*, alluded to in the last paragraph of the Memorandum was remitted in March last, in Colonial Debentures, and has been accepted by the Home Government, thus reducing the amount due to 3,406*l.* 3*s.* 2*d.*

(Signed) FRED. A. WELD.

No. 48.

NEW
ZEALAND.
No. 48.COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to
the Right Honourable EDWARD CARDWELL, M.P.

(No. 111.)

Government House, Wellington, August 30, 1865.

(Received November 11, 1865.)

(Answered, No. 90, November 20, 1865, page 257.)

SIR,

I HAVE the honour to transmit for your information the copy of a letter which has been addressed to me by the chiefs of Turanga, which is important as showing the effect produced upon the native mind from the extreme slowness with which operations have been carried on.

I have, &c.

The Right Hon. E. Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 48.

Enc. in No. 48.

TO GOVERNOR GREY, TO HIM AND HIS RUNANGA.

Turanga, August 5, 1865.

THIS is a setting forth so that you may all know the state in which we are living at present in this portion of our island. Much are we put out of breath on account of the impertinent doings of the Hauhau, for the greater portion of the people of this part have joined the Hau Haus, and we who still stick to the Government are few. The chief word of the Hau Haus at the present time is, that they will shortly over-run this island, that is to say, the Europeans will all be destroyed by them. They are continually trying to alarm us (the Queen Natives), so that we may join them. This is their word, "Do you make haste and join us, because when the day comes wherein the blade of my weapon will be raised, I shall not consider whether there be relatives, children, elder brothers or parents, but they will be totally destroyed." These are the reasons why the Hau Haus are at the present time so impudent.

One (reason) is, that there is fighting at Waiapu, and assistance is so long a time coming to Te Mokena and his people. They say moreover that Te Na has caused all the soldiers to "fall in" so that they may join his party, so that the fighting at this part may not be active. * Porini.

Another cause is the death of the Rev. Mr. Volkner who was murdered at Opotiki. Steps have not been taken in that matter hitherto, and they (the Hau Haus) say that on account of (their influence) there, that cause has been abandoned. Payment will not be exacted. "Now therefore (we say to you) follow the matter up" (the murder of Mr. Volkner). We replied to them, "Leave it to lie there; it is a party of old men who are there digging." So says Pararaki. "Death." An old Maori saying.

Another cause is the intermittent mode of fighting which has been carried on in this island. They say it is because the soldiers have been so utterly defeated that the fighting during these fightings which have taken place has not been continuous. But, O friend, we are aware that you still entertain love for us, and this is a word of ours to you, that you consent that the men-of-war which sail by in the sea, touch in here to look at us, and then proceed on their courses; and this is also a request of ours to you, that you let those little words which we have sent to you, have weight with you. If you give your consent to them, write and let us know, if not, write and let us know, that our hearts may be glad, who are here, crouching away from the presumptuous doings of the Hau Haus. That is all,

From your friends,

TE RUITENE AHUNUKA.
T'AMEHANA RUATAPU.
HAPI KINIHA.

No. 49.

No. 49.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to
the Right Honourable EDWARD CARDWELL, M.P.

(No. 116.)

Government House, Wellington,
September 13, 1865.

(Received November 11, 1865.)

(Answered, No. 6, 22 January 1866, page 268.)

SIR,

I HAVE the honour to transmit for your information the copy of an extract from a Melbourne newspaper of the 1st of September, which has been handed to me by my Responsible Advisers, which contains a letter from General Cameron to myself, dated Melbourne, 26th August last, enclosing the copy of a letter to him from Brigadier General Waddy, dated Wanganui, 7th of August last. I wish to call your attention to the fact that General Cameron in this letter to myself, which he furnished to a newspaper in another colony, alleges that a statement I made in my speech on the opening of the General Assembly of New Zealand had no foundation in truth.

2. On the same evening that this Melbourne newspaper was brought to me I received a copy of General Cameron's letter direct from that officer.

3. Regarding the charge of untruth preferred by General Cameron, I think it unne-

Extract from
the "Australa-
sian," Mel-
bourne,
1st Sept. 1865.

NEW
ZEALAND.

cessary to say anything. The correspondence regarding the Weraroa Pa is already before you; Her Majesty's Government can judge from my two letters to General Waddy of the 19th of July last, from his replies to those letters, and from his letter to General Cameron of the 7th of August, now transmitted, whether or not the statement I made was correct. I have no doubt it was so.

4. It will be for the military authorities to determine whether General Cameron has acted rightly, or unbecomingly and unjustly, in the course he has pursued in furnishing such letters to a newspaper in another colony, and whether the correspondence between himself and Brigadier-General Waddy is satisfactory, and sufficiently explains circumstances which required explanation. With that I have nothing to do. My desire was that the fortress should be taken. That having been accomplished I am satisfied, and am quite willing to let the matter rest there, unless I am called on for further explanations, which I shall be happy to furnish.

5. Brigadier-General Waddy is quite right in saying I told him at Whanganui, after the affair was over, that had he arrived in camp before the Weraroa Pa, I should have left the command in his hands. I knew him to be a good and gallant soldier, anxious to do his duty, and I believed, if I only got him into the fray, he would have fought his way well through it, whatever his orders were. The moment, therefore, I saw him thoroughly engaged in the affair, I should either have left the place, or have served on his staff, if he would have allowed me to do so.

6. I beg further to observe that neither General Cameron nor Brigadier-General Waddy have informed me of or in any way alluded to the nature of the instructions under which the latter was acting; nor of why these were and are still kept secret from me. A simple furnishing of these instructions to me at the time, which was what I was clearly entitled to, would have set the whole matter at rest. These instructions ought not to have empowered the Brigadier-General at a moment of great peril to decline to perform a necessary and urgent military service, until he could receive direct instructions from General Cameron on the subject, although that officer was then at so great a distance. This point, which is the real question at issue, is left out of sight by General Cameron.

I have &c.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

(Signed) G. GREY.

Enclosure 1 in No. 49.

EXTRACT from the "Australasian" Newspaper, dated Melbourne, 1st September 1865.

THE NEW ZEALAND WAR.

The Weraroa Pa affair.

The following correspondence on the subject has been handed to us for publication:—

SIR,

Melbourne, 26th August 1865.

I HAVE already written to your Excellency denying that I had given orders to Brigadier-General Waddy, or any other officer, which precluded them from taking an active part in the operations against the Weraroa Pa, as stated by you in your speech at the opening of the General Assembly.

I now forward a copy of a letter I have since received from Brigadier-General Waddy, which shows that the statement you made on the occasion referred to has no foundation in truth.

I have, &c.

His Excellency Sir George Grey, K.C.B.,
Wellington.

(Signed) D. A. CAMERON.

SIR,

Wanganui, 7th August 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant, No. ²⁵⁸/₆₅; and in reply I beg to inform you that on the 19th of July last, when I was at Nukumarū, and directed Lieutenant-Colonel Trevor, 14th Regiment, to move to the camp in front of the Weraroa Pa with 100 men, I did not give him any orders to refrain from taking an active part in the operations against the Pa, which his Excellency the Governor had decided upon carrying on; in fact, I did not think anything could be done till the 400 infantry and the guns and mortars were brought up. The 200 infantry from this got to the camp in the forenoon of the 22nd July; the guns and mortars were at the Waitotara redoubt, a few miles from the pa, and I was on the point of starting from this to ride out to the camp on that day, when the Governor arrived with the intelligence that the pa had been evacuated during the previous night, and that it had been occupied by the troops under Lieutenant-Colonel Trevor about daylight.

On my arrival in the camp I should, of course, have assumed command of all the troops there, and directed such operations as I might have thought proper against the pa, and I am under the firm conviction that the Governor told me he intended to leave as soon as I arrived in camp.

Although I declined to invest the place (which would have required a large force), and to commence a regular siege with the imperial troops (without your orders), I certainly never contemplated their remaining passive spectators of what might take place.

When I ordered up guns to batter down the palisading of the pa, it was my intention to have made a sudden rush upon it with a joint force of imperial and colonial troops and friendly Natives, when I could see the defences were sufficiently destroyed, and if I did not find there was too strong a force of rebels in it to render it rash or hazardous to attempt to take it in that way.

The imperial troops under Lieut.-Colonel Trevor did all that was required of them. They held a position in front of the pa, while the colonial troops and friendly Natives proceeded to occupy a position in rear of it, and Lieut.-Colonel Trevor was quite prepared to employ his 200 men of the 14th and 18th Regiments in any way he thought conducive to the speedy capture of the pa.

I had told him (in course of conversation at Nukumarū) that I had your permission to attempt to take the pa by a *coup de main*, if I thought fit.

I have, &c.,
(Signed) R. WADDY,
Brigadier-General Commanding Forces.

General Sir Duncan Cameron, K.C.B.

Enclosure 2 in No. 49.

SIR,

In front of the Weraroa Pa, 19th July 1865.

INFORMATION which I have just received from various parts of this island satisfies me that the worst possible effect is being produced by the murderers, fanatics, and turbulent Natives who hold the Weraroa Pa being permitted to remain unmolested for so many months close to a British settlement in the presence of a large British force.

If some steps are not at once taken for the capture of the Pa, I am sure the result will be renewed rebellion on the part of the fanatics in many parts of New Zealand. In fact, they have already risen to assist the fanatics, and broken into revolt in several places.

Under these circumstances, before determining what steps should be taken for the immediate capture of the pa, I wish to know whether the instructions under which you are acting from Lieut.-General Sir D. A. Cameron, K.C.B., will permit of your proceeding to invest that place, and to carry out regular operations for its immediate reduction without the delay of a reference to him at Auckland, or whether such reference must first be made.

I have, &c.,
G. GREY.

Brigadier-General Waddy, C.B.,
Commanding Field Force.

Enclosure 3 in No. 49.

SIR,

Camp Nukumarū, 19th July 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date requiring to know whether the instructions under which I am acting from Lieut.-Gen. Sir D. Cameron will permit of my proceeding to invest the Weraroa Pa, and to carry out regular operations for its immediate reduction, without reference to him; and in reply, I have the honour to inform your Excellency that I cannot undertake this operation against the pa, unless I receive the orders of the Lieut.-General commanding the Forces to do so. I will of course, forward your Excellency's communication without delay to Sir D. Cameron, and I will hold the troops in this district ready to move at the shortest notice, should the Lieut.-General commanding the Forces direct an immediate attack on the pa.

I have, &c.
(Signed) R. WADDY,
Brigadier-General Commanding Field Force.

His Excellency
Sir George Grey, K.C.B.
&c. &c. &c.

Enclosure 4 in No. 49.

SIR,

In Front of the Weraroa Pa, 19th July 1865.

As notwithstanding the danger which exists, and the distance in time of Lieut.-Gen. Sir D. A. Cameron from this place, you cannot use the force under your command for the reduction of the Weraroa Pa, I beg to request you will, to the following extent, assist the colonial forces and the Natives, which I shall now direct to undertake this operation, although I believe at an unnecessary and improper risk.

I understood from Sir D. Cameron that he had ordered the construction of a post at Nukumarū, with the view of enabling you to take the Weraroa Pa by surprise, if a fitting opportunity offered. The position of the post at Nukumarū, and the strength of the force ordered by Lieutenant-General Cameron to be stationed there (250 men), reference being had to the force that must be left to protect the post, if any men moved from it, evidently render it entirely unfit to attain the object contemplated by Sir D. Cameron.

I would therefore ask that, leaving the post at Nukumarū as it is, you would without delay establish another post of 400 men near the point where Major Von Tempsky is encamped, which would serve at once as a moral support for the local forces and Natives, and answer the object contemplated by Sir D. A. Cameron.

And I would further ask that you would assist by ordering here without delay a detachment of artillery with heavy guns and mortars, for the purpose of breaching and keeping down the fire of the place, whilst the local forces and Natives work up to it and assault it.

Without you do this I fear a large and absolutely unnecessary loss of the lives of the Queen's subjects, Natives and Europeans, will be incurred, which would seem to be wrong when a large force, under your command, intended by the Queen's Government for the suppression of rebellion and the preservation of the peace in Her Majesty's possessions, is close at hand.

I have, &c.
(Signed) G. GREY.

Brigadier-General Waddy, C.B.
&c. &c. &c.
Commanding Field Force.

Enclosure 5 in No. 49.

NEW
ZEALAND.

SIR,

Camp Nukumarū, 19th July, 1865. Noon.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date, asking that a post of 400 men should be established near the village of Nyenene (where the Forest Rangers are now encamped), to act as a support to the colonial forces and friendly Natives; and in reply to inform your Excellency that under existing circumstances I feel it my duty to comply with your Excellency's wishes at once, as a considerable time might elapse before I could receive orders from the Lieutenant-General commanding the forces; the troops shall be sent to Nyenene without delay, and I will also direct a detachment of Royal Artillery and an officer of Royal Engineers to accompany them.

I have, &c.

His Excellency

Sir George Grey, K.C.B.

(Signed) R. WADDY,
Brigadier-General Commanding Field Force.

Enclosure 6 in No. 49.

MEMORANDUM.

THE state of affairs in the Upper Whanganui is this, the Native force was withdrawn (leaving an European Native force at Pipiriki) to avail themselves of an opportunity which they found had offered of seizing the Weraroa Pa. Their Native friends all followed them, leaving, I believe, only 35 men on the river. They left all their property in their pa, which were fortified and provisioned for twelve months. They were not allowed then to take the Weraroa Pa; they are now ashamed to leave it. In the meantime a good many people have flocked into the pa, and some of the reinforcements which it now appears the fanatics had sent for, are now on the Upper Whanganui, and are threatening the European force there and the pas of the friendly Natives; whilst General Waddy and H.M. forces cannot act without orders from Auckland, although the Governor is on the spot. All which presents a difficult and peculiar combination.

18th July 1865.

(Signed) G. GREY.

SIR,

Resident Magistrate's Office, Wanganui, 18th July 1865, 5 p.m.

I HAVE the honour to furnish herewith, for the information of His Excellency the Governor, a native letter received from the Upper Wanganui this afternoon.

Mr. Booth does not appear to attach much value to the report it conveys, and has stated his reasons in a letter to the Governor which I forward herewith.

Mr. Booth will proceed to his district early to morrow morning and will report further on arrival at Karatia.

Major Gray,

Acting Private Secretary, Nukumarū.

(Signed)

I have, &c.

WALTER BULLER,
District Magistrate.

MY DEAR SIR GEORGE,

Wanganui, 18th July 1865, 5 p.m.

A letter, of which I enclose a translation, has just been received from the Upper Wanganui. I do not believe that the information is of such importance as the letter would lead us to believe.

"Hare Matenga" the man who is said to have given the information to Kerehonia is a Hau Hau, and would find it unsafe to visit Pipiriki for the purpose of warning his relatives; at the same time I believe the position of Pipiriki to be critical. I intend to proceed up the river to-morrow, and will communicate with Mr. Buller when I hear something more definite.

I have, &c.

His Excellency the Governor.

(Signed) JAMES BOOTH.

(Translation by Mr. Booth.)

Karatia, July 18, 1865.

To the Town, to Booth, to Richard Woon, to Mr. Buller, Magistrate, on to Nukumarū,
to Captain McDonnell, to Aperaniko, and to Kemp.

FRIENDS, (four?) hundred of the war party are at Pipiriki; the blockade is at the Puha, one mile mile on this side Pipiriki; our limit is to be at Mataka to prevent our reaching Pipiriki.

The day for the fight is appointed. The second fine day is that named; when you see a fine day you will know.

The progenitor of death has come near my Pakeha fathers. This was told Kerehoma by Hare Matenga.

This is all.

FROM HARIHONA.

Enclosure 7 in No. 49.

MEMORANDUM.

ON Monday the 17th of July, at about 1 30 PM., I arrived at Maenene, accompanied by Brigadier-General Waddy and others, and found about 380 Natives under Captain McDonnell encamped at 2,000 yards from the Weraroa Pa, and about 130 Bush Rangers under Major Von Tempsky, encamped at about 800 yards from the Pa, the whole under the command of Major Rookes, of the Militia, who had been for some days in the pa at Perikamo under and distant about 400 yards from the Weraroa Pa.

Pehimana and Aperahama, two of the principal chiefs of the pa, were awaiting my arrival. Two other principal chiefs, Hori Tipene and Ruka, were left in the pa.

The purport of their communication was that they admitted that the pa was erected on land which belonged to the Government, and that they had no right there, and that therefore all the leading men had placed the pa in the hands of Hori Kingi of Whanganui, to give the pa up to me; but they wished time to be given to them to remove their women and children. This was promised them.

I asked Hori Kingi would he go and take possession of the pa. He refused to do this. I saw he was afraid of being murdered, and he has since said this was the reason of his refusal. I then said I should go up and take possession of the pa, and that he must accompany me. I understood that he would, but he was evidently unwilling and distrustful.

The two chiefs Aperahama and Pehimana went on to make preparations for my reception.

I had for two days been satisfied in my own mind that all intention of giving the pa up had been abandoned by the mass of the people in it, and that they would not do it, and were only pretending in order to gain time. The general opinion of the interpreters and others on this point was different to mine.

Presently Captain McDonnell came back from Perikamo and said the Natives wished me to go up and take possession of the pa. He was quite satisfied they intended to give it up.

I proceeded, accompanied by General Waddy, Major Gray, Captain Bulkeley, Colonel Trevor, and others; Mr. Parris as interpreter.

When about 120 yards from the Pa, in which a white flag was flying, the Natives came out of the Pa and asked me to halt. A Native then asked me were they to understand that time would be given them to remove their women and children? I replied, yes; that had been arranged. They then asked me, were they to understand that they would not be personally punished for their rebellion? I replied, they would all be pardoned, except murderers; and so far would they be from being ill-treated, that those who returned to their allegiance would henceforth be treated in all respects as the Queen's European subjects.

They then said it was all satisfactory, and Aperahama, the principal chief of the Pa, came out and requested that Hori Kingi and myself alone would at once go into the pa.

Hori Kingi came to my side (we were on horseback), and said "Oh, Governor, do not let us go in; ride up and touch the fence with your hand, and let that satisfy you; do not let us go in." I saw he was in great fear of treachery; several of the Natives earnestly begged me not to go in, saying the people in the pa were fanatics, given up to old customs.

I told Hori Kingi that he must come on. He gave way, and Mr. Parris, myself, Hori Kingi, and Hori Kerei rode on towards the pa.

When we arrived within about 30 or 40 yards of the pa, the priest of the fanatics came out, and ordered the Natives not to allow us to come further; that they would not give up the pa; and Hori Kingi said he saw their guns prepared, and that we should be fired on if we moved on, and the friendly chiefs of the Weraroa Pa, who stood between us and the pa, seeing what was intended, prayed us not to go on.

We remained a short time and then returned to the main party, and all rode back to Maenene.

Pehimana, finding that his people would not give up the pa, came in and gave himself up. Aperahama came in the next morning and gave himself up. A principal chief, Ruka, left the pa the same day as Arerahama, with ten followers, but would not give himself up here. He left word he would meet Mr. Parris at Patea.

On the 18th, in the morning, the people in the pa pretended to be still anxious to give it up, and wrote a letter to me, a copy of which is enclosed, together with a copy of my reply. In the afternoon Hanitana went up and saw most of the Natives in the pa, who said they would consent to peace, if we acknowledged the Native King. They sent also a message for Mr. Parris to go up and sleep with them. Before Mr. Parris started, the chief Pehimana had gone back to the pa, and the priest refused his own chief admittance into it. An angry discussion ensued between them, during which Mr. Parris was advancing to the pa. Pehimana seeing this, sent to beg him to go back, and shortly afterwards returned himself.

After Mr. Parris left, a part of the tribes Ngarauru and Pakeikohe, who had been stopping at Whanuakuirā arrived, with their arms to aid in the defence of the place.

Ten men from the pa had also gone up the river with a canoe to bring down a party of Uriwera natives, said to consist of 140 men, who had arrived from the East Coast to assist the natives of Weraroa. I have no doubt this is one of the reinforcements, to gain time for the arrival of which they have been negotiating.

There were no entrenching tools of any kind with the local forces or native contingent, and only 16 spades at the military post at Nukumarū, two miles further from the pa than this place. These spades could not be spared. The only gun in our neighbourhood is one six pounder at Waitotara, useless for our purpose.

The large Native and European Force which is in front of the pa having arrived there, and the series of events in the Wairapa, on the East Coast and South West Coast, known already to the Government, and those above detailed, having taken place, and reinforcements having reached the pa from distant places, I have found that very bad consequences would result if this force retired disappointed and baffled. I shall therefore think it my duty, unless otherwise advised, to take measures for attempting the capture of the pa, which measures will be found detailed in my correspondence with General Waddy.

I am very much disappointed that General Waddy's instructions prevent him from taking those steps which appear necessary at this juncture. I am still more disappointed that neither myself nor the Government are acquainted with the nature of the instructions which have been given to him. If the General commanding the forces can issue instructions to Generals commanding districts of a nature unknown to the Governor or the Government, by which their hands are so tied up that they cannot, at the request of the Governor, and in concert with him, take such steps as sudden emergencies render necessary, whilst the General commanding the forces, in point of time, is ten or fourteen days distant from the threatened point, Her Majesty's forces are comparatively useless; and Sir D. Cameron has, in point of fact, deprived the Governor of his commission as Commander-in-Chief. There can be no doubt that the General must himself have obeyed the orders of the Commander-in-Chief. How then he can order his subordinate officer to refuse to obey them it is hard to understand.

18th July 1865.

(Signed) G. GREY.

THE critical complications which have taken place in the Upper Whanganui will be gathered from other letters. That at such a time so large a force should be locked up, and rendered useless for many days, may entail serious and lasting evils on this country. All that the local Government can do under these circumstances is to exert itself as far as possible to arrest the evils which have arisen, and which would not have arisen had the pa been attacked when the colonial forces first arrived before it; for the Natives now admit that there were then but very few people in it. On very good native authority, it is stated that there were only thirty men armed with fire-arms.

18th July 1865.

(Signed) G. GREY.

NEW
ZEALAND.

TO THE GOVERNOR, TO HORI KINGI.

Perekama, July 18th, 1865.

FRIENDS, do you two hearken; that is a word of mine informing (explaining to) you to send back all the Maori militia and European militia, the General and all his soldiers who are occupying Maeneene and Nukumarū. Do you two cause them all to go back to the town—to Whanganui, because I, that is to say, all the Maoris in the Weraroa (Pa), are fearful of your soldiers who are staying there. When you have done that, then, after that our conference. I will tell you in that conference of ours the Europeans I desire—that is to say, the Europeans who are the same as I am—to be fellow settlers of mine upon that place which you are so striving for. If you two agree to the words of that letter, write in reply; if not, write, but not as regards our peace (pai), for that is lying there (established) peace is—that is all.

TERETIU,—The vote of the whole (assembly) Parliament.

O SONS,

18th July 1865.

No. 50.

I WILL not cause my men to return to Whanganui. I have but one word, that you make your words to me permanent. That I come into the midst of the pa. When there I will make permanent my words to you, and I will show kindness to you.

Your friend,
G. GREY, The Governor.

No. 50.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to
the Right Honourable EDWARD CARDWELL, M.P.

(No. 117.)

Government House, Wellington, September 14, 1865.

(Received, November 11, 1865.)

SIR,

(Answered, No. 93, November 27, 1865, page 257.)

I HAVE the honour to transmit copies of the Financial Statement of the Colonial Treasurer of New Zealand, which I am sure you will peruse with much interest, as containing an able and clear statement of the financial position of the Colony.

I have, &c.

(Signed) G. GREY.

Encl. in No. 56.

The Right Hon. E. Cardwell, M.P.

&c.

&c.

&c.

Enclosure in No. 50.

FINANCIAL STATEMENT by the Hon. the COLONIAL TREASURER, in Committee of Supply,
30th August 1865.

MR. O'RORKE,

WHEN I had last the honour of bringing the financial condition of the Colony under the notice of the Committee, circumstances obliged me to make two separate statements. I am glad, however, to be relieved from the necessity of adopting so inconvenient a method on the present occasion. I have been reproached with having, on those occasions, said one thing and printed another afterwards. I can, however, assure the Committee that the statement, as officially published, corresponds with the oral one in all essential particulars; and that, repetitions omitted, it fairly represents the substance of my remarks.

At any rate, I take this opportunity of expressing a hope that those beings who minister to the pressing wants of printers (whom I would gladly call printers' angels, if usage had not prescribed for them a more appropriate appellation) will avail themselves of the arrangements I have made, to correct the report of my statement with the least possible delay; so that the publication may be contemporaneous and reliable. For without some such aid, a consecutive and intelligible report of a statement, involving numerous figures and returns, is scarcely to be expected.

These remarks will not perhaps be deemed unimportant, when it is remembered that financial statements have a circulation outside the Colony, amongst persons who have already invested or are seeking to invest in our securities, and who keenly scrutinise the annual financial proposals; and that although a Colonial Treasurer may not be a practised financier, nor his statements models of exposition; yet, that his words derive a weight from his official position, to which they may not otherwise be entitled; and therefore, that the circulation of his statements should, so far as possible, flow in the channel of authentic publication. It has probably been a defect to make statements of this kind partake too much of the character of an account, as rendered by an accountant; a practice often attended with no other result to hon. members, than an indigestion of figures.

I shall endeavour, therefore, to confine myself, so far as the nature of the subject will admit, to the consideration of leading points and proposals, leaving the details to be more fully investigated afterwards by hon. members who may wish to pursue the examination, with the aid of those returns which I shall this evening lay on the table, and will have printed so soon as possible. I hope in this way to economise both the time and attention of the Committee, as well as suit the more limited range of my own capacity.

PAST REVENUE.

A comparison of the estimated with the actual revenue for the last financial period (which it will be borne in mind extends over two years, viz., from 1st July, 1863, to 30th June, 1865) shows that the calculations made by my predecessor and myself have, on the whole, been closely realized, the amounts being;—

Estimated Revenue	-	-	-	-	-	£ 1,493,708
Actual Revenue	-	-	-	-	-	1,438,367

I employ sums total; the precise figures, however, are stated in the returns which I now lay on the table (Return No. 1). But that probably which the Committee will be most desirous to learn, is how far my anticipations of revenue arising from the alterations made in the Tariff in December last have been borne out.

It will be remembered that I estimated the annual increase at 180,000*l*. Now I believe that I may safely say that my anticipations will be realised to the extent of at least 180,000*l*. a-year. It will be unnecessary now to raise the question, as to whether the proposals then made were the wisest that could have been devised. I, on that occasion, carefully guarded against the inference being drawn that the proposals of Government were intended as a revision of the Tariff. They were, in fact, proposed *simpliciter* as a means of adding to the revenue; and I submit that the figures just quoted show that our anticipations have, in a great measure, been justified. I shall presently invite the attention of the Committee to the larger question of a revision of the Tariff.

UNAUTHORIZED EXPENDITURE.

On comparing the ordinary expenditure during the last financial period with the ordinary appropriations, we find that whereas the authorized expenditure amounted to 953,718*l*.; the actual expenditure only reached 810,553*l*., thus showing an apparent saving of about 143,000*l*. (Return No. II.) This accrued principally under the following heads, viz.:—

Civil List—Item: "Native purposes," unexpended.

Permanent Charges—Item: "Interest," over estimated.

Registration—Provision made for Registrar General's department, but Registration Act not brought into operation.

Postal—Large arrears due but not remitted.

Otago and Southland Provincial services—Votes only partially expended, owing to reduction in services, the Estimates having been prepared in the flush of the gold-fields.

Although, therefore, I have already shown that the estimates of revenue were sufficiently accurate, yet it must be admitted that those of expenditure were not so satisfactory for the reasons and on the items particularized. I said there was an "apparent saving" because although this appears to be the case when we compare the aggregate amounts of expenditure, yet a detailed comparison shows a totally different result; and we find that upon particular votes, or upon services not provided for on the Estimates, there has been an excess which raises the unauthorized expenditure to the amount of 161,610*l*. I may here remark, that it has been usual to apply to this class of expenditure the euphemism *Supplementary*; I have, however, employed the plainer but truer term *Unauthorized*. Now, it cannot be denied that this is a large expenditure to have been incurred without authority.

It appears (Return No. III.) that 36,117*l*. belongs to the year 1863–4, and 125,492*l*. to 1864–5: that of the former years' expenditure, there belongs 22,684*l*. to General, and 13,433*l*. to Provincial: of the latter years 102,580*l*. to General, and 22,912*l*. to Provincial service. In explanation of the sum of 102,580*l*. it may, however, be observed that it embraces the charges incident to the removal of the seat of Government, which were covered by resolution, and therefore can only technically be regarded as "unauthorized." In explanation of the Provincial amounts, I may remark, that the chief items are for Otago.

The Committee will be asked to cover this expenditure by an Appropriation. But it will be necessary first to determine on what funds it is to be made a charge. There is the option of placing it on the Loan or on current revenue; the latter would, no doubt, be the correct course. But a regard to the requirements of the Provinces (for which I may say, the present Government is anxious to make every reasonable provision) has induced us to propose to charge the General portion of the Expenditure on the Loan; and it will be remembered that there is a precedent for this course in the "Debenture Act, 1860." The Provincial portion ought clearly to be charged Provincially; although hitherto, by some oversight, such does not appear to have been the practice. But it would be manifestly unfair to make the cost of erection of a Custom House and Post Office at Otago a charge on the Colony.

Still, however, after all the explanations that may be offered, and whatever may be the course adopted for bringing this expenditure to charge, it cannot but be regarded as very unsatisfactory that so large an amount of unauthorized expenditure should have been incurred. And I feel bound to record my opinion, that unless some Act of the Legislature be passed, creating a control over the Government in its expenditure, serious embarrassment will be certain to arise in the future. I propose to invite the attention of the Committee specially to this when the Bill which the Government intend to propose on the subject is brought down.

SURPLUS REVENUE.

If, however, the savings on votes each year had been carried to next year's revenue account the irregularity of having incurred unauthorized expenditure would indeed have remained; but it would have been unaccompanied by any disturbance of the finance. For in that case there would still have existed the funds on which legitimately to charge such expenditure; and it would only remain for the Committee, should it think proper, to extend over it the cover of its authority. But when we come to compare the unauthorized expenditure with the distribution of the surplus revenue, we have reached the climax of our very peculiar system of New Zealand finance.

I have before me a comparative Return (Return No. IV.), showing the annual amount of unauthorized expenditure and distributable surplus (in excess of the $\frac{2}{3}$ ths Customs) extending from 1858 to 1865; which shows that whilst the unauthorized expenditure has reached the amount of 206,913*l*. during the last seven years, the surplus (in excess of the $\frac{2}{3}$ ths Customs) distributable to the Provinces during the same period, has amounted to 243,489*l*. And when it is recollected that the House of Representatives has already directed a portion of this unauthorized expenditure to be carried to Loan Account; and that it is perhaps not too presumptuous to assume that this Committee will sanction the proposal to deal with the remainder in the same manner; it must, I think, be evident that the operation by which the Colony, out of the so-called Surplus or overflowing of its ordinary Revenue has distributed to the Provinces nearly a quarter of a million, whilst it was making other provision

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by loan for its own excess of expenditure during the same period is altogether anomalous and indefensible.

Now, sir, in my humble opinion, it would be mere idle folly to ignore either the usefulness or the requirements of Provincial Governments. They have to provide for services of equal importance with those of the General Government; and the Constitution Act accordingly made special provision for the maintenance of these services. But, whilst fully admitting this view, we must, in order to understand the true bearings of the case at the present day, inquire what the term "such revenue" (in the 66th section of the Constitution Act) meant. It embraced at that time, not only ordinary, but territorial revenue. The subsequent financial arrangements, however, of 1856, created an entirely new distribution, by which all the territorial revenue was devoted exclusively to the use of the Provinces.

Now, I submit, that when once the entire territorial revenue had been so alienated, the Customs Revenue should have been thereupon, not only declared to be Colonial Revenue, but also practically treated as such, and that, after providing for the General and Provincial services, the balance (if any arose either from savings on votes or excess of revenue over expenditure) should have been carried to next year's revenue account and made subject to appropriation. There would then have existed a safe criterion for the guidance of the House of Representatives, either as to an increase or a diminution of the appropriations to the Provinces. In years of prosperity and peace, and as such affording fair encouragement to an extension of public works, more liberal votes could be given, whereas in years of insurrection and unforeseen emergencies, requiring a somewhat more stringent regulation of those votes, the services of the Colony might be provided for, without having recourse either to borrowing or an increase of the burdens of the people by additional taxation.

Under the existing arrangements, however, as regulated by the Surplus Revenue Act, 1858, the practice is the very reverse of this. It is true that by the Ordinary Revenue Act, 1858, Customs and certain other revenue is declared to be Colonial Revenue, theoretically; but by the Surplus Revenue Act of the same year all such revenue is practically converted into Provincial Revenue; and to carry out this curious notion, a partnership system of accounts has been created, which is not only complicated, but causes great delay in bringing up and publishing the accounts of the Colony.

The consequence of all this has been to add to the embarrassments of the General Government; nor could it well have been otherwise, when we consider that, notwithstanding the Government of the Colony may be left with a yearly debt, it has been annually called upon to hand over to the Provinces a considerable surplus. It is a most charming arrangement, by which the senior partner pays over to his juniors a large amount of dividends at the end of each year (just as if large profits had accrued), to be appropriated by them individually as they may think fit; whilst the bills of the firm lie overdue, the joint credit suffers, and provision for the liabilities of the past year has to be made out of the next year's income; or worse still, by going on the market to borrow.

It will not, I imagine, be denied that, as a general rule, the year's ordinary expenditure ought to be covered by the year's ordinary revenue, so far as it extends. But under the existing system there has been a chronic disregard of this rule. I admit that, to some extent, the infraction of this rule may be attributed to imperfect and insufficient estimates; but estimates, however carefully prepared, will always require some margin; whereas the vice of the present system is, that this margin (whether small or large) is not permitted to be taken out of the year's revenue, but has to be carried forward, whilst the sum (by a misnomer styled surplus) which ought to be devoted to defraying charges already incurred, is paid away to the Provinces and expended by them, not only in keeping up services which would otherwise have to be maintained at the charge of the Colony, but also in works of public utility.

The returns I hold in my hand demonstrate the fact that the Colony provides funds for the various Provinces out of the Customs revenue, sufficient to enable them not only to provide for the necessary services of the Government, but, over and above that, for sundry public works and undertakings within their respective territories; whilst it at the same time fails to provide funds out of the Customs Revenue of the year to pay all the Colonial services of that year. I am referring to Return No. V., in which the ultimate direction of the expenditure of the Surplus Revenue is traced. It is made up for a period of three years, viz., from 1861 to 1864, and embraces the six principal Provinces. The Return has been arrived at by dissecting the Provincial accounts as published; and the rules which governed its preparation are exemplified in Return No. V.A., which exhibits a particular case or instance. From this Return it appears that during those three years the sum of 659,677*l.* was paid over to the Provinces there enumerated as Surplus Revenue; and that out of that sum there remained to them, after providing for all necessary establishments (including costs of Provincial Executive), the amount of 326,904*l.* (or nearly one half the total they had received), which was available to them for expenditure on local public works and undertakings.

Now, the present Government is very far from underrating the importance of these Provincial public works; but they simply cannot be afforded in any country where the pressure of such expenditure destroys the equilibrium between income and expenditure; excepting always that they are provided for out of Territorial Revenue, or by having recourse to special taxation. And when it is remembered that the Provinces not only possess and exercise this latter power, but also enjoy the entire Territorial Revenue, it cannot be said that they are crippled in the prosecution of the great work confided to them.

And with regard to the extent of the funds derivable from the Territorial Revenue, it may perhaps be as well just to glance at the case. I will take the instance of Otago, because I have an opinion in reference to it which is recent and entitled to weight. I quote from a speech delivered by Mr. Dick on the 25th July last, where he says, "The Province had debts amounting to some 600,000*l.*; but there were also 14,000,000 acres of land, which, even if sold at 5*s.* an acre, would yield above 3,000,000*l.* sterling, or enough to pay the debts nearly six times over. Any merchant who could pay his debts six times over would consider himself pretty well off—(laughter)—and the Province that could do so was in a very healthy position. It was true the estate could not

“be realized all at once, and he would be no party to so realizing it, if such a thing was possible; but we had the land; it was a very tangible security against any debts; and it ought to be sufficient “to satisfy any creditor that we could pay them all and have a large amount beyond.” And as that gentleman has just received the suffrages of a majority of the electors of his Province his authority can scarcely be questioned.

It may be said that the case of some other Provinces is not equally favourable. This may be so; but without entering upon the large question opened up by such an objection (for which there is not the time, nor is this indeed the fitting opportunity), I would simply observe that whenever any Province shall have consumed its land revenue, and, at the same time, shall decline to submit to special taxation in aid of public works and undertakings, an answer will have to be given to the inquiry, whether such Province must not be regarded as *functio officio*.

From these premises, therefore, my colleagues have arrived at the conclusion, to propose to the Legislature to repeal the “Surplus Revenue Act, 1858,” and make provision for Provincial expenditure and contributions in aid of the Provinces, by appropriations *de anno in annum*. And I am sanguine enough to indulge the hope that, when I come presently to reduce our proposals to figures, and submit them for the consideration of the Committee, it will be admitted, even by those who are most anxious for Provincial progress (and who, at the same time, shall not be unreasonable), that our provision for the Provincial services for this year will be ample, and that a plan has been devised by which a conflict of interests will be avoided for the future, and a unity of object secured in making suitable provision for both General and Provincial services.

HOW THE COLONY STOOD ON 30TH JUNE LAST.

Having brought the retrospect of our ordinary revenue and expenditure down to the end of the last financial period, I pass on to the consideration of the extraordinary supplies granted under the Loan Appropriation Act, 1863, and the expenditure thereof up to the same date.

I lay on the Table a Debenture Account (Return No. VI.) which shows the number of debentures disposed of under the Loan Act, 1863, and the Debenture Act, 1864, up to the 30th June last, and the rates at which they have been disposed of. It will be remembered that when, in December last, we asked for power to issue 1,000,000 of 8 per cent. debentures at short dates (varying from one to three years), we calculated our probable requirements derivable from these funds up to the 30th June at 900,000*l*. It is a satisfaction to me to be now enabled to inform the Committee that we had disposed of 788,348*l*. of these debentures for 791,904*l*. sterling up to that date, and that sales are still progressing slowly but steadily. Our calculations, therefore, have been very fairly verified under extremely adverse circumstances.

Now the essence of our proposals at that time was to enable us to avoid forcing our permanent loan on the market, and to offer instead securities with a short currency, and a higher rate of interest, and to give confidence to capitalists by accompanying the operation by raising our income so as to make provision for the interest, and thus command the market if possible. And it is but fair to the committee to observe that at the very time it was giving its sanction to these proposals letters were on their way out from England warning us not to attempt to take the very step which it was at the very same time the object of the Committee here to avoid the necessity of taking. On the 26th October 1864, we find the Crown Agents writing thus, viz.:—“Under these circumstances, the Crown Agents “can only repeat the advice offered in their former letters, by recommending you to abstain, as long “as possible, from attempting to negotiate any further portion of the unguaranteed loan.” Again, on the 26th November 1864, to the following effect, viz.:—“With respect to the negotiation of any “portion of the second million of the 5 per cent. loan, although the market shows signs of improve- “ment, and the Bank rate of interest has been reduced to 7 per cent. during the present week, “yet the time has not yet arrived for effecting further sales of your debentures. The great bulk of “the last issue is still in the hands of those who speculated in it, and there is at present little or no “demand for the debentures at any price. They were marked in the official list of the Stock “Exchange on Tuesday last for the first time.” Had we, therefore, been in London at the very time our proposals were being made here, we could not more accurately have appreciated the position. For on the 2nd January 1865, the Government addressed the Crown Agents in the following terms, viz.:—“Subject to these remarks the Government desires, if a favourable opportunity should occur, “to realize the 6 per cent. securities, say to the extent of 500,000*l*., but not to press them upon the “market.” Again, we find corroboration of the correctness of our views in the communication of the Crown Agents, dated 27th March 1865, when they inform us that “the short bonds are not only “the more valuable of the two, but they can be hypothecated, with power to the lender, in default of “the punctual repayment of the sum borrowed, to sell at a rate which would pay the buyer 8 per “cent.” But that which will prove more satisfactory to the Committee than even these opinions (valuable as they are) is the fact that the correctness of their views has been supported by the unanswerable logic of success.

With reference to the expenditure, I may state that at 30th June last, it had reached a total of 2,397,377*l*., of which I submit a statement of particulars (Return No. VII.), and as the appropriations under the Act expired on the 1st April Government will ask the House to indemnify it for so much of that expenditure as has been incurred between that date and 30th June. Now, although when the Government took office on 25th November last their bankers’ account was overdrawn to the extent of 818,000*l*., besides Treasury Bills held by them and just falling due to the extent of 100,000*l*.—thus representing an aggregate liability of no less an amount than 918,000*l*.—yet I am enabled to inform the Committee that the bank accounts might be said to have been practically restored as upon the 30th June. The statement I now lay on the table (Return No. VIII.) will explain the position.

I may take this opportunity of stating frankly and unreservedly, that the relations between the Government and the Bank of New Zealand have now for some time past been of the most cordial character. There is no doubt that the directors of that institution have had their own responsibilities to fulfil, and that it has devolved upon them to watch the interests of their shareholders; whilst,

on the other hand, it has been the duty of the Government to guard those of the Colony, which have always been stoutly maintained. And considering, sir, that the policy of this Government is essentially a colonial policy, it is only consistent with such a policy to have sympathies with colonial institutions, and besides it would be very unworthy of the Government if it failed to recognize and publicly acknowledge the great sacrifices which the Bank of New Zealand has made for the Colony.

I may also observe that, besides discharging several other liabilities, I have caused to be refunded out of the treasurer's general balance, the amount due to the intestate estates fund, viz., 8,707*l.* 12*s.* 2*d.*, which had been employed by former Governments on the general service of the Colony and have placed in deposit on separate accounts styled "Intestate Estate Fund" all sums due to those estates and that this special fund reached the amount of 32,107*l.* 19*s.* 1*d.* on 30th June last, and I may be allowed to express a hope that this course of action will be made binding by law on future treasurers: That I have distributed arrears to the provinces amounting to 51,778*l.* 5*s.* 3*d.* and paid over 101,515*l.* 9*s.* 3*d.* to the claimants on the Taranaki relief fund.

I may further state that by a payment of half a million of our securities the imperial debt (embracing claims of long standing) has been very nearly adjusted. The precise figures are shown in the statement prepared and signed by the auditor of public accounts, which I now submit (Return No. IX.) This transaction has been somewhat severely criticised as the verdant act of youthful inexperience; I can only say, on behalf of my colleagues that, whilst they have declined to admit the capitation charge, they could see no just grounds for repudiating an acknowledged liability, nor for deferring its settlement a moment beyond the time when they were in a position to make arrangements. And, I may add, that whilst they firmly rely on the Committee to support them in the course they have adopted they do not abandon the hope that the Home Government will not forget the serious difficulties with which it has left New Zealand to struggle single handed; and that it will not be indisposed to assist it out of them by extending the imperial guarantee to its loan. At any rate it is a hopeful sign that the Times speaks of the payment of the debt with approval in a recent article, and still more that the British House of Commons received the announcement with satisfaction.

I have to add that there remained on the 30th June 602,623*l.* in debentures out of the three million loan available for future appropriation; a remainder which I trust the Committee may not deem altogether unsatisfactory under all the circumstances of the case. At any rate, I can assure the Committee that it would ere this have become a vanishing quantity, if a firm hand had not been held over the expenditure by my colleagues.

When I remind hon. members that, in addition to the information "as to how the Colony stood on the 30th June last," which I have just had the satisfaction of affording, they have already had laid before them a statement of the receipts and expenditure up to the 30th June, I hope I may assume that if I have not given an intelligible outline of how the Colony then stood, I have at least furnished the materials to enable hon. members to form a judgment for themselves. I will only say (and it is but fair to the Government to do so) that the general effect of the operations to which I have referred has been to place the credit of the Colony in a very different position from that which it occupied when the present Government entered upon office.

THE CASE OF AUCKLAND.

But prudence recalls the fact that we have necessarily since that date recommenced our over drafts at the bank, and that there still remain considerable engagements which will come in course of fulfilment during the present financial year. I am sorry to be obliged to use the qualifying adverb, that little word of three letters is potent enough to disappoint our brightest hopes whether military or financial. The Taranaki-Wanganui campaign might have been brought to a successful termination last autumn but for the Wereroa pa, and the finances of the Colony would have been absolutely restored on 30th June last but for the Auckland expenditure.

I daresay I may be asked how this can possibly be the case? I may be told that Auckland has petitioned against any further connexion with the rest of the Colony, and remains an unwilling partner; I may be challenged to reconcile such conduct with the assumption that the Province of Auckland hangs like a millstone round the financial neck of the Colony. If so inclined, I might refer you for an explanation to the next schoolboy you met in the street, who for the smallest silver coin, judiciously invested, would repeat the very process before your eyes, and throw away the peel of that very orange, whose sweet juices he had first carefully appropriated to his own use.

But it does not rest with me to reconcile the complaints of Auckland with the facts of the case; I shall have discharged my duty if I submit the figures and leave the Committee to draw its own conclusions. A cursory examination of the accounts from and including the published accounts of 1862-3 gives the following results, viz. :—(Return IXA.)

Expenditure in the Province of Auckland under Loan Act, 1862 and 1863.

War Expenses	£704,000
Public Works, including introduction and location of settlers	165,000
	£869,000

To which will have to be added cost of immigration in England and outstanding advances, which will swell the amount to over 900,000*l.*

This is not so bad a share for Auckland after all, especially when it is remembered that the total represents considerably more than a million of debt. It is true that the House of Representatives has already sanctioned the principle of our proposals for allocating that portion of the expenditure of the loan which has been incurred for the permanent advantage of the Provinces of the North Island. But even under such an arrangement, the fact still remains, that the Colony has directly pledged its credit for the benefit of those Provinces, for the purpose of carrying on that description of public works and undertakings which other Provinces habitually provide for out of their own unaided resources, and that Auckland has received the lion's share.

And inasmuch as it has been alleged that the ruin of Auckland has been the object of southern policy, it will be instructive to ascertain the amount of expenditure which the present Government has sanctioned within that Province during the six months ending 30th June last, and compare it with the amount of expenditure authorized within other Provinces during the same period. The return (No. X.) to which I am referring is simple but significant. From it we learn that whilst there has been expended during the six months referred to, within the province of Auckland, 320,000*l.* there has only been expended during the same time in the Provinces of Wellington, Taranaki, Nelson, Canterbury, and Otago, altogether, 324,000*l.* *i.e.*, scarcely more in those united Provinces than in the single Province of Auckland; or, if we deduct 23,837*l.* paid away in Wellington for steam postal services for the Colony, then we find that there has been considerably more expended in Auckland than in those other five principal Provinces. And this great preponderance of expenditure in favour of Auckland will appear even more striking when it is remembered that peace prevailed over the greater part of that province during the period within which a Government, supposed to be hostile to its interests lavished upon it such an expenditure as I have stated; whereas during the same period, active operations were being carried on in other Provinces of the North Island.

And when I add that the proposals of the Government for the appropriation of the remainder of the Three Million Loan contemplate no inconsiderable portion of that expenditure being made within the Province of Auckland, the South will naturally demand of the Government an explanation of the grounds on which their proposals in this respect are based. And the only reply the Government can make is, that they found the faith of the Colony already pledged, and that, *quoad hoc*, the present Government must be simply regarded as the assignees appointed to administer to an embarrassed estate. In such cases, so long as funds remain debts must be liquidated, however extravagant. At any rate the South may naturally and reasonably inquire of Auckland whether this is the hard treatment which she complains of having received at the hands of the Colony and the Government, and from which she seeks relief in separation.

PROBABLE EXTRAORDINARY EXPENDITURE, 1865-66.

Having completed the review of the past expenditure of both classes (ordinary and extraordinary), I pass on to the consideration of the extraordinary expenditure proposed for the present year.

Hon. members will already, I imagine, have anticipated the conclusion that the appropriations under the Loan Appropriation Act, 1863, cannot be carried out in their integrity, even if it were thought desirable that they should. The heavy deduction from the capital amount authorised to be raised under the New Zealand Loan Act, 1863, arising from the loss sustained in the shape of discount and charges on the first million of debentures and amounting to the large sum of 196,343*l.* would alone have been sufficient to bring about such a result, without any other disturbing element.

But when we find, according to the statement I have just made, that not only has Auckland absorbed so much of the past loan expenditure; but also that no inconsiderable portion of the residue will be required to complete the engagements which have been entered into by our predecessors in office, chiefly in connexion with the military settlers, of whom the greater part will have been settled in that Province, it must be evident that the appropriations applicable to services in other parts of the Colony will have to be modified.

And when we further consider that the calculations as to large refunds from sales of land which were put forward amongst other inducements when the House of Representatives was asked to consent to the Loan of 1863 have proved fallacious, there can no longer remain a doubt that the time has fairly arrived to reconsider the appropriation of the remainder.

When, however, I said that the calculations of 1863 had proved fallacious, I did not mean to dismiss a subject of that importance with a mere general expression; figures alone can convey a conception of the extent of the miscalculation. We must refer back to the exact terms employed in 1863 and compare them with those positive results furnished, in 1865. The words of the late colonial treasurer were these, *viz.*:—"The interest and sinking fund of this loan will be, in the first instance of course, charged upon the general revenue of the whole colony, but when the lands in rebel districts are taken and sold, the loan itself will be a first charge upon the proceeds of the sale thereof. Exactly what amount of land will be available it is difficult to say, but if we take all the land that belongs to the rebel natives in the Thames and Waikato, at Taranaki and Wanganui, I think there will be nearly—after locating the settlers upon it—a balance of something closely approaching to two millions of acres. And we consider that although it will be impossible to realise upon that all at once, yet before very long the proceeds of those sales will repay the whole of this expenditure that we now ask the House to grant." Now the actual sales of confiscated land have amounted in gross only to 36,277*l.*, from which there has to be deducted 9,539*l.* payable to natives for compensation, leaving a nett balance of just 22,469*l.* wherewith to help to recoup that three million sterling which we were taught to believe would eventually be provided for out of this fund! The figures thus brought into juxta-position present an irresistibly droll effect. It is permitted even to the dulness of finance to be enlivened by the exhibition of the giant and the dwarf; we might never have appreciated the full stature of the three million loan, unless it had been displayed in all its gigantic proportions beside the 22,369*l.*, the pigmy proceeds of the confiscated territory.

I need say no more on this very unsatisfactory subject. We must make the best of a bad bargain; and the Government accordingly will bring down a "Loan Appropriation Bill," in which an account will be rendered of past expenditure, and provision asked to be made for the following services, *viz.*:

Expenditure necessary to be incurred on account of the regiments of	
Military settlers, for liabilities entered into prior to November,	
1864	£270,968
Defence force	23,954
Surveys	20,000
Carried forward	314,922

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Brought forward	-	-	-	-	-	£314,922
Compensation under "New Zealand Settlements Act"	-	-	-	-	-	20,000
Lighthouses, telegraphs, and cable	-	-	-	-	-	45,000
Re-instatement of Taranaki	-	-	-	-	-	40,000
Arrears of contribution to main postal line	-	-	-	-	-	42,000
Taranaki land purchase fund	-	-	-	-	-	32,000
Government domain	-	-	-	-	-	18,000
Unauthorized general expenditure	-	-	-	-	-	124,985
Making a total proposed expenditure amounting to	-	-	-	-	-	£636,907

This, indeed, shows an excess of proposed expenditure over supply. But even if no better success should attend the sales of confiscated land than hitherto, there would even then be enough from that source to make good the deficiency; and in that view the amount set down for compensation under the "Settlements Act" need only be regarded as an imprest. At the same time I am bound to disclose to the Committee that even the large amount set down to enable us to meet our engagements with the military settlers, viz., 270,968*l.*, will not entirely exhaust the liability; there will still remain behind an amount of about 40,000*l.*, which will come in course of charge during the next financial year, before the whole of this affair can be wound up. Against this, probably, we may place as a set off about an equal amount receivable from the province of Southland.

PROBABLE ORDINARY EXPENDITURE, 1865-66.

With reference to the Estimates of Ordinary Expenditure for the year, I may state that having regard to the reasonable requirements of the Provinces, I am unable to state the total expenditure for the services for the year at much less than 950,000*l.*, which implies an appropriation of one-half of the Customs Revenue for Provincial services, and for contributions in aid of Provincial Revenue, which will enable me, I anticipate, to continue to Provinces liberal instalments. As to whether these can be increased will depend entirely upon the result of the revision of the tariff upon the revenue; for it is proposed that the Provinces should receive one-half of that revenue. On comparing this proposed expenditure with that of last year the chief items of excess will be found under the head *Permanent Charges* upon the items of "Interest" and "Postal;" under the head of *Annual Appropriations* upon the items for "Internal Defence." I now lay on the table the Estimates of the year with some few figures written in; but in the course of a day or two I hope to have them finally printed and distributed. In explanation of the Estimates generally, I may observe—

1st. That heretofore there have been no native estimates; there has, indeed, been a large native expenditure but no estimates; all sums for native purposes having been covered by permanent act or voted *en masse*. Some of these acts, however, now expire, and we now propose to meet the expenditure face to face; and although the proposed expenditure for this particular service is very large, amounting to 59,000*l.*; and although the Government does not profess to put them forward on this occasion as model estimates, yet it is, I think, a subject of congratulation that native estimates in detail will now for the first time since the introduction of the Constitution Act be submitted to the votes of the Committee. This may, perhaps, be regarded as the most effectual step which has yet been taken towards the removal of that mystery which has hitherto veiled the transactions of the Native Office. Under the new arrangements it would not be possible for such anomalies as the gunboats "Caroline" and "Avon" to be found loosely floating on the surface of the native expenditure.

2nd. Defence estimates will now also appear for the first time in detail, amounting to 60,000*l.* I have classified them under "Internal Defence." This may appear a trifle to mention, but there is something in a name; it seems to point in the direction of an armed constabulary rather than a standing army. This sum is commuted for six months from 1st January next, the date at which it is anticipated that the military settlers will have been placed on their land; and is independent of the sum of 28,000*l.* for militia volunteers.

3rd. With regard to the Civil Service Estimates I would observe, that whilst the proposed increases are moderate, and the new services where created deemed necessary; yet that it must be borne in mind that the expansion of the Colony in all directions is rapid and considerable, and the area to be governed proportionably increased, and that it necessarily follows that the services must be also enlarged. It would probably be very desirable that a Civil Service Commission should be appointed. There are many reforms which might result from the inquiries of such a Commission, having for its object the improvement and regulation of the Civil Service; and certainly no retrenchment in that direction could be proposed, either with safety or justice, unless based upon some such prior investigation and report. I may observe that the Estimates have been compiled in a new form, which exhibits at a glance the growth of any particular service, by means of a comparative column showing the provision made for the same service during the past year, both in terms of appropriation and expenditure.

ESTIMATED REVENUE 1865-66.

On the whole then it will be seen that according to our proposals the extraordinary and ordinary services of the colony for the present financial year will require a total expenditure of upwards of one and a half millions. It remains for us carefully to consider the ways and means by which this considerable demand on the resources of the Colony can be satisfied. With regard to extraordinary supplies, I may at once say that it is not the intention of the present Government to propose any new loans. The remainder of the three million loan will be made to carry all it can, and will suffice: the Government will only ask for power (in case of need) to raise money by an issue of treasury bills, in

anticipation of Revenue, to a certain limited amount. With regard to ordinary ways and means, my estimate of revenue is as follows, viz.:—

Customs	-	-	-	-	-	-	-	£780,000
Distillation	-	-	-	-	-	-	-	5,000
Stamps	-	-	-	-	-	-	-	37,500
Postal	-	-	-	-	-	-	-	45,000
Judicial	-	-	-	-	-	-	-	28,000
District Courts	-	-	-	-	-	-	-	4,000
Registration of Deeds and Land	-	-	-	-	-	-	-	16,000
Fees on Issue of Crown Grants	-	-	-	-	-	-	-	5,000
Native Lands Act (Fees and Duty)	-	-	-	-	-	-	-	5,000
Marine Board	-	-	-	-	-	-	-	9,000
Telegraph	-	-	-	-	-	-	-	6,000
Miscellaneous	-	-	-	-	-	-	-	3,000
								£943,500

The first three items are the only ones who require special notice

The revenue from Customs is based upon an estimate made by my honorable friend the Commissioner of Customs, according to whose figures (Return No. XI.) the sum of 780,000*l.* may be fairly calculated to be derived from that source, supposing the present tariff were maintained. And although it is proposed to bring forward a revision of the tariff, yet the Government does not contemplate, nor indeed would the requirements of either the General or Provincial Governments admit, of any lesser sum being raised from this source. As it will devolve on me to conclude my statement with a resolution on the subject of an alteration of the tariff, I will explain the principles on which the proposed revision will be based. My hon. friend has borne in mind the recommendation of some of the chambers of commerce, nor has he forgotten the suggestions which present themselves upon a perusal of the Californian and other tariffs; and after mature consideration of the subject, the Government has considered that it will best attain the object of at once equalising the burthen and removing the vexation and loss arising from uncertainty of practice and interpretation, by adopting the following basis, viz :

1st. A distribution of the duty over a wider area of articles.

2nd. An enumeration of all the articles on which duty will be charged.

With reference to the second item (distillation), I may say that no large amount can be anticipated during the present year from this source, and that it is not entirely from a revenue point of view that the question should be viewed. It is anticipated, and not I think without reason, that if distillation should be followed as a legalised business an important body of persons will be raised up who will regard with jealousy any attempts to smuggle spirits as opposed to their interests, and that they will thus become a protection to the revenue.

With regard to the third item, I will observe that the estimate must be admitted with caution. There are really no reliable data on which, at present, to frame estimates with any degree of accuracy. If, however, we may judge from the case of New South Wales, where the estimated revenue has, I understand, been placed at 150,000*l.*, we shall not probably, be far wrong if we place the revenue from this source at 75,000*l.* for New Zealand, or 37,500*l.* for the half year, for it is scarcely to be expected that the Act can be brought into working order before 1st January next. With regard to the propriety of the tax itself, no doubt much may and will be said. It is, however, a subject of itself, and will probably be better discussed when the bill comes before the House. I may, however, be allowed to refer to an opinion recently expressed by Mr. John Stuart Mill, who is held to be a very high authority by many. He prefers a mixed system of direct and indirect taxation to either alone.

"If," he says, "the attempt were made to raise so large a revenue as ours after all due retrenchment would still be exclusively by direct taxation, I do not know of any taxes in themselves just, which, under strong pecuniary temptation, would not be successfully evaded. The evasions of the income tax are a disgrace to the national morality."

And if such be the acknowledged fact in Great Britain, I think we shall scarcely arrogate to ourselves in this Colony the possession of a higher standard of morality than that which prevails in the mother country. Mr. J. Stuart Mill goes on to observe:—

"I am decidedly of opinion that landed property should be subject to the probate duty, and that property in settlement should pay succession duty on its full value."

THE RESOURCES OF THE COLONY.

I have been drawing the attention of the Committee to new modes of taxation in aid of the revenue, and there is a subject intimately connected with this, into which I would fain have entered more fully than I find I shall be able. The first inquiry requisite before attempting to impose a burthen is to ascertain the strength of the back on which it is sought to be imposed, *quid ferre recusent quid valeant humeri*. I have, however, been much disappointed in my attempts to work out this investigation. Notwithstanding the prolific annual delivery of Blue Books throughout these Colonies I have failed to obtain access to the statistical information I have sought. And there is also another impediment which arises from the discrepancy between official years—owing to the want of uniformity in the official years at the Treasury, the Customs, the Post Office, and the Land Departments. a very great difficulty is experienced in preparing Comparative Returns, and they are often imperfect and delusive on that account.

What I intended to do was to institute a comparison between New Zealand and other colonies. I am sure the investigation would amply repay the trouble, and establish New Zealand in a position that few of us at present do more than vaguely believe. There is one point, however, which I will notice in passing. In all the other Australian Colonies, territorial revenue forms an integral part of the colonial income, and goes to swell the annual total; whereas in New Zealand, it is dealt with only provincially. Some idea of the extent of this may be gathered from a return furnished (No. XII.) by my hon. friend the Secretary for Crown Lands, from which it appears that in the Southern Island alone, during the years 1863 and 1864, 860,732*l.* was received in cash for land sales, and the vast unsold territory is still counted by millions of acres.

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I take blame to myself for having neglected to think of this point till too late. I have, however been able to obtain one or two returns with regard to New Zealand solely, which, although far from being so complete as could be desired, are extremely interesting. Return No. XIII. shows the growth of the revenue. Taking a term of six years, from 1859 to 1865, and dividing this term into biennial periods for the purpose of comparison, we find that the revenue has grown from 431,797*l.* to 1,438,367*l.*, showing a centesimal increase of the year 1864-5, over that of 1859-60, of 262.2 per cent. And when we regard the surprising phenomenon of Hokitika, and reflect that in all probability we are only just beginning to develop our mineral resources, the passing difficulties of the Northern Island fade away before the vision of the future. I am so profoundly ignorant on heraldic subjects that I do not know, sir, whether New Zealand has had any motto assigned to her; but if she has not, I would venture to suggest the following as appropriate to her past history:—*Meres profundo pulchrior evenit.*

The next Return referred to (No. XIV.) shows the taxation in terms of the population. It has risen in the six years from 2*l.* 16*s.* 6*d.* per head to 4*l.* 9*s.* 11*d.* Now at first sight this might appear to be a very disheartening fact, as exhibiting a population ground down by taxation. And such would be the proper conclusion if heavy additional taxation had been imposed during the period. But such is not the case. The only increase to the taxation there has been is that made during the last few months, which simply represents some 60,000*l.* or 70,000*l.*, and cannot, therefore, be said materially to disturb the ratio. But the figures of this return in reality constitute the best test of the prosperity of the population—they show that the consuming power of the population has nearly doubled in six years. They mean that the fair dame who only wore cotton formerly now dresses in silk and that the settler who was contented with his beer now affords himself the luxury of wine. I should wish to have pursued the investigation, and taken the amount of import and export per head as compared with that in other countries. I have, however, only been able to obtain one or two years of comparison with that of England, which, however, shows greatly in favour of New Zealand. We further gather from this return the explanations as to how it is that the population which was only able to pay towards the revenue in 1859 and 1860 2*l.* 16*s.* 6*d.*, was enabled in 1864-65 to contribute 4*l.* 9*s.* 11*d.* per head; for it appears that whereas in 1859-60, the population only imported 21*l.* 18*s.* and exported 8*l.* 6*s.* 2*d.*, it had so thriven in 1864-65 that it was able to import 36*l.* 12*s.* 2*d.*, and export 19*l.* 18*s.* 5*d.* per head. It appears also from the same table, that during this period of six years we have, in addition to numerous other valuable products, exported upwards of 7½ millions of gold, or nearly one million in excess of the whole of our national debts, General and Provincial, which amount to 6,615,500*l.*

RESUMÉ OF PROPOSALS.

I ask permission to recapitulate our financial measures and proposals, which are briefly these viz.:—

1. To facilitate the auditing the public accounts and establish a control over the expenditure. This we have regarded as an indispensable preliminary to the success of our other proposals.
2. To contract no fresh loans, except so far as may be done by the aid of the imperial guarantee, without adding to the annual liability of the Colony already sanctioned in respect of interest.
3. To repeal the Loan Appropriation Act, 1863, and re-appropriate the balance.
4. To shorten the currency of the 50 years' debentures from 50 to 30 years, and increase the sinking fund.
5. To allocate to the Provinces of the North Island the charges for the loan expenditure incurred on account of permanent improvements.
6. To regulate and consolidate Provincial loans.
7. To carry surplus, when any, to next year's revenue account, and subject it to appropriation, instead of making it a dividend among the Provinces.
8. To treat all ordinary revenue as Colonial revenue, and appropriate annually to provinces a quota of the customs.
9. To aid the revenue derived from indirect taxation through the Customs by a direct taxation in the shape of stamp duties.
10. To revise the tariff, with a view to a more equitable distribution of the burthens, without, however, impairing the revenue.
11. To appoint a Civil Service Commission, with a view to the greater efficiency of the public service, and as a step towards retrenchment.

And here I take occasion to observe, that whilst I cannot be supposed to know and therefore do not venture to express an opinion as to the interior arrangements and effectiveness of other departments yet that if they are equally satisfactory those of the department over which I have the honour to preside, I am bold to affirm that no Government in any country was ever more faithfully served.

Sir, I venture to recommend these proposals as a whole to the Committee for confirmation, in the belief that they are prudently devised, suited to the circumstances of the Colony, and well calculated to complete the restoration of our finances to a healthy condition; and that they are also practically so adjusted as to provide sufficiently for all current services of the year both General and Provincial.

It will be perceived that they are framed exclusively of any assistance from the Home Government. If, however, as is but natural and reasonable, the Home Government should accede to our application for their guarantee, in terms of his Excellency Sir George Grey's despatch of the 8th April, which I now lay on the table and recommend to the perusal of honourable members, wherein they will find the case of the Colony is most ably and feelingly portrayed; the Government in that case would be prepared to come down with proposals by which the embarrassments both of the North and South (which have been materially increased in both islands by the unhappy management of the war in which we have been so long involved) would be greatly relieved, and the whole colony obtain a fair chance of extricating itself from the difficulties with which it has been surrounded, and of starting on a fresh career.

I have only one remark to make before finishing a task which I am sensible of having very imperfectly accomplished. When the House endorsed the policy of my hon. friend at the head of the Government, it must have been well aware that such a policy carried with it financial consequences; that, in fact, the whole of that policy hinged on finance; and that a policy of self-reliance was a mere idle vain glorious boast—the big talk of the truant boy as yet innocent of the world—unless it was understood

to mean a policy of *reliance on our own resources*. I conclude, sir, by moving the following resolution, viz:—"That it is desirable to revise the present tariff, and that the Hon. the Commissioner of Customs be authorized to take such measures as may be necessary for the collection of any new duties pending the discussion of the resolution."

I.

A COMPARATIVE STATEMENT for the Period extending from 1st July 1863 to 30th June 1865, showing the Actual Revenue and the Estimated Revenue, distinguishing Customs, Postal, &c.

	Estimated.			Actual.		
	£	s.	d.	£	s.	d.
Customs - - - - -	1,308,408	0	0	1,256,091	7	2
Postal - - - - -	85,300	0	0	82,759	1	1
Judicial - - - - -	5,300	0	0	57,386	9	3
Registration of deeds and land - - - - -	25,400	0	0	25,233	17	8
Registration of births, marriages, and deaths - - - - -	5,300	0	0	5,279	0	2
Fees on issue of Crown grants - - - - -	6,400	0	0	5,065	0	0
Miscellaneous, including fees under Arms Act 1860 - - - - -	11,700	0	0	6,552	18	4
Totals - - - - -	1,493,708	0	0	1,438,367	13	8

Treasury, Wellington, August 28, 1865.

J. WOODWARD, Assistant Treasurer.

II.

ORDINARY EXPENDITURE for Financial Period, from 1st July 1863 to 30th June 1865, compared with Ordinary Appropriations for same Period.

	Authorized Expenditure or Appropriations.			Actual Expenditure.		
	£	s.	d.	£	s.	d.
Civil list - - - - -	55,000	0	0	44,861	5	3
Permanent charges - - - - -	260,981	19	4	216,216	15	8
Executive - - - - -	11,054	0	0	11,714	11	10
Legislative - - - - -	25,120	0	0	19,740	5	4
Judicial - - - - -	8,100	0	0	10,981	17	3
Registration - - - - -	12,160	0	0	3,985	0	8
Customs - - - - -	2,550	0	0	1,837	18	4
Postal - - - - -	190,660	0	0	147,071	13	3
Militia - - - - -	50,000	0	0	36,152	15	1
Miscellaneous - - - - -	35,230	0	0	32,706	10	5
Provinces:						
Auckland - - - - -	43,727	9	0	43,415	3	6
Taranaki - - - - -	4,998	8	0	5,240	0	5
Wellington - - - - -	22,325	10	0	22,176	2	4
Hawke's Bay - - - - -	9,074	0	0	7,227	11	4
Nelson - - - - -	15,314	0	0	14,027	19	9
Marlborough - - - - -	7,978	0	0	7,57	12	2
Canterbury - - - - -	45,800	15	0	49,573	10	11
Otago - - - - -	116,614	0	0	106,715	13	6
Southland - - - - -	37,030	0	0	29,351	10	6
Totals - - - - -	953,718	1	4	810,553	17	6

Treasury, Wellington, August 28, 1865.

J. WOODWARD, Assistant Treasurer.

III.

UNAUTHORIZED EXPENDITURE for the Financial Years 1863-4 and 1864-5.

	1863-4.			1864-5.		
	£	s.	d.	£	s.	d.
General - - - - -	22,684	9	8	102,580	6	7
Provincial:						
Auckland - - - - -	1,470	3	8	2,057	5	11
Taranaki - - - - -	98	3	1	539	7	4
Wellington - - - - -	217	16	9	562	11	7
Hawke's Bay - - - - -				46	18	2
Nelson - - - - -	318	18	8	507	7	11
Marlborough - - - - -	161	7	11	2,087	5	2
Canterbury - - - - -	884	2	8	5,892	17	8
Otago - - - - -	6,156	6	11	10,376	1	5
Southland - - - - -	4,126	10	6	842	13	11
Total chargeable to Province - - - - -	13,433	10	2	22,912	9	1
	36,117	19	10	125,492	15	8

Treasury, Wellington, August 28, 1865.

J. WOODWARD, Assistant Treasurer.

IV.

COMPARATIVE RETURN showing the Annual Amount of Unauthorized Expenditure and Distributable Surplus,
(in excess of $\frac{2}{3}$ ths Customs), beginning with the Year 1857-8.

						Surplus distributable at end of Year (in excess of $\frac{2}{3}$ ths Customs.	Unauthorized Ex- penditure.
						£ s. d.	£ s. d.
1857-8	-	-	-	-	-	6,201 14 10	1,165 13 1
1858-9	-	-	-	-	-	9,944 14 7	9,008 12 6
1859-60	-	-	-	-	-	*36,040 17 0	26,363 8 6
1860-1	-	-	-	-	-	4,827 3 5	1,805 16 5
1861-2	-	-	-	-	-	44,681 6 3	1,672 5 4
1862-3	-	-	-	-	-	59,935 11 9	5,287 1 2
1863-4	-	-	-	-	-	60,508 9 0	36,117 19 10
1864-5	-	-	-	-	-	21,349 11 0	125,492 15 8
Totals	-	-	-	-	-	243,489 7 10	206,913 12 6

* The 36,040*l.* of Surplus Revenue was paid over to the Provinces, and the amounts of Unauthorized Expenditure of the three preceding years was provided for by special loan, "The Debentures Act, 1860," and made recoverable out of future Surplus Revenue, hence 1860-1 the surplus is reduced to 4,827*l.*

J. WOODWARD, Assistant Treasurer.

Treasury, Wellington, August 28, 1865.

V.

RETURN showing the ultimate direction of Expenditure of Surplus Revenue in the Provinces mentioned below
for the Years 1861-2, 1862-3, and 1863-4.

Provinces.	Year.	Amount of Surplus Revenue paid to Province.	Expenditure on necessary Purposes of Government.	Less Recoveries against Expenditure.	Balance available to Province for Expenditure on Public Undertakings.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Auckland	1861-2	36,960 10 5	12,875 17 9	4,948 9 6	29,033 2 2
Ditto	1862-3	43,758 3 11	14,667 11 2	5,887 15 1	34,978 7 10
Ditto	1863-4	62,387 7 11	20,122 10 5	8,431 9 0	50,696 6 6
Wellington	1861-2	16,536 11 3	9,181 13 0	2,721 9 7	10,076 7 10
Ditto	1862-3	18,130 19 8	17,844 10 7	2,519 8 6	2,805 17 7
Ditto	1863-4	21,064 1 6	13,666 19 9	2,559 18 10	9,957 0 7
Nelson	1861-2	8,346 1 4	5,179 6 4	1,712 18 8	4,879 13 8
Ditto	1862-3	9,967 17 7	5,109 13 3	774 0 0	5,632 4 4
Ditto	1863-4	11,476 14 0	7,788 5 3	1,417 10 0	5,105 18 9
Canterbury	1861-2	20,007 8 9	14,565 16 5	2,900 10 0	8,342 2 4
Ditto	1862-3	28,362 19 10	22,798 14 2	3,103 7 9	8,667 13 5
Ditto	1863-4	39,820 9 6	31,972 2 5	5,676 12 2	13,524 19 3
Otago	1861-2	76,388 17 8	53,634 19 3	10,158 11 3	32,912 9 8
Ditto	1862-3	103,832 11 1	95,200 8 10	7,991 9 3	16,623 11 6
Ditto	1863-4	114,235 5 2	34,903 18 6	25,958 15 11	105,290 2 7
Southland	1861-2	3,442 19 2	7,815 3 5	602 18 9	Dr. 3,769 5 6
Ditto	1862-3	20,027 11 3	27,672 0 3	781 18 2	„ 6,862 10 10
Ditto	1863-4	24,931 6 5	30,050 7 4	4,129 10 0	„ 989 10 11
Totals	-	659,677 19 5	425,049 18 1	92,276 12 5	338,525 18 0
Deduct Dr. Balances Southland.				3,769 5 6 6,862 10 10 989 10 11	11,621 7 3
					326,904 10 9

J. WOODWARD, Assistant Treasurer.

Treasury, Wellington, August 23, 1865.

V.A.

NEW
ZEALAND.

STATEMENT of one Quarter's Expenditure, showing the principle on which Return No. V. has been prepared.

An Abstract of the Revenue and Expenditure of the Province of Auckland during the Quarter ended 30th June.

	Included.			Excluded.		
	£	s.	d.	£	s.	d.
ESTABLISHMENTS:—						
His Honour the Superintendent	200	0	0	—		
The Provincial Council	—			769	5	8
The Superintendent's Office	346	9	8	—		
The Waste Lands Office	—			360	5	7
The Roads Office	—			281	1	8
Harbours	632	4	9	—		
Police	983	5	10	—		
Provincial hospital	—			519	3	2
Lunatic asylum	311	6	1	—		
Provincial solicitor	87	10	0	—		
Inspector of Sheep and Thistles	—			77	1	8
Inspector of Slaughter Houses	—			12	10	0
Provincial Auditor's department	60	8	6	—		
Prisons	822	15	10	—		
Registry of deeds	4	1	5	—		
MISCELLANEOUS:—						
Printing and stationery	74	8	11	—		
Education	—			522	18	3
Relief of destitute and maintenance of orphans	—			287	1	9
Ferries	—			193	8	8
Thistle Act expenses	—			15	7	6
Rent of public offices	—			42	10	0
City streets—lighting and cleansing	—			175	6	7
Repairs of public buildings	—			46	19	0
Auckland dispensary	—			50	0	0
Compensation to John Hardy	—			21	18	6
Design for market place	—			30	0	0
Design for bridge over Tamaki	—			50	0	0
Election expenses	—			4	4	0
Compiling return of traffic on roads	—			21	0	0
Auckland Volunteer band fund	—			100	0	0
Crown prosecutions	19	5	0	—		
General contingencies	—			18	7	0
Aid to prospecting parties	—			267	3	4
SPECIAL:—						
Surveys and opening blocks of land	—			1,434	17	1
Great North Road	—			190	9	0
Great South Road	—			292	14	8
Road repairs	—			614	2	9
Streets and branch roads	—			859	19	5
Road from Wangaroa to Kiri Kiri	—			99	10	6
City main sewer	—			472	11	10
Steam communication advertising	—			3	2	0
Surveys and estimates for Drury railway	—			413	7	6
Repairs to Queen Street wharf	—			18	4	4
Repairs to Custom House Street	—			218	17	0
IMMIGRATION	—			323	15	1
DEPOSITS:—						
Harbour Trust	—			1	6	6
College and Grammar School Trust, lodged in Union Bank of Australia on a deposit receipt	—			2,022	17	1
City of Auckland Trust, lodged on a deposit receipt with Union Bank of Australia	—			7,061	18	5
Interest and expenses on debentures till 31st December 1861	—			—		
A. F. Ridgway and Sons, Provincial agents	—			284	17	0
Advances to pay labour	—			376	17	0
Balance on 30th June 1862	—			5,589	19	5
	3,541	6	0	27,686	14	11

Treasury, Wellington,
August 28, 1865.

J. WOODWARD,
Assistant Treasurer.

VI.

RETURN OF DEBENTURES issued under Authority of the "New Zealand Loan Act, 1863," and the "Debentures Act, 1864," to 30th June 1865.

NEW ZEALAND LOAN ACT, 1863.

Place of Issue.	Agents.	Amount issued.	Amount sold.	Rate.	Currency.	Rate of Interest.	Amount realised.	Discount.	Amount remaining with Agents.	Remarks.
London	Agents general -	£ 1,000,000 0 0	£ 1,000,000 0 0	19-6 discount	50 years	5 per cent.	£ 803,657 0 0	£ 196,343 0 0	£ 1,500,000 0 0	Paid to Lords of H.M. Treasury.
Do.	Do.	£ 500,000 0 0	£ 500,000 0 0	par.	Do.	4 "	£ 500,000 0 0	—	—	

DEBENTURE ACT, 1864.

Place of Issue.	Agents.	Amount issued.	Amount sold.	Rate.	Currency.	Rate of Interest.	Amount realised.	Amount unissued.	Amount remaining with Agents.	Remarks.
London	F. Larkworthy - R. Porter - W. S. Graham -	£ 500,000 0 0	£ 100,000 0 0 100,000 0 0 100,000 0 0 150,000 0 0	par. 1-0916 prem. 0-76 0-89	Dec. 31, 1865 " " 1866 June 30, 1867 Dec. 31, 1867	8 per cent. " " "	£ 100,000 0 0 101,050 3 4 151,140 15 10 151,339 0 5	£ - - -	£ - - -	{£40,000 of this amount is hypotheated to the Bk. of Victoria in Melbourne. Issued in respect of compensation to settlers of Taranaki for loss occasioned by the war.
Australia and New Zealand	D. L. Murdoch - A. Kennedy - J. Williamson - R. Waterston -	250,000 0 0	£ 151,330 0 0 6,500 0 0 12,000 0 0	0-15 prem.	" " 1867 " " 1866 " " 1865	" " "	£ 151,356 0 0 6,500 0 0 12,000 0 0	£ - - -	£ 80,170 0 0	
Taranaki	Hon. H. Sewell - Hon. H. A. Atkinson -	118,518 16 4	£ 93,775 0 0	par.	" 1867	"	£ 93,775 0 0	£ - - -	£ - - -	
Wellington	Hon. W. Fitzherbert -		£ 13,150 0 0 8,525 0 0 3,068 16 4	" " "	" 1867 " 1866 " 1865	" " "	£ 13,150 0 0 8,525 0 0 3,068 16 4	£ 131,481 3 8	£ - - -	
		£ 868,518 16 4	£ 788,348 16 4				£ 791,904 15 11	£ 131,481 3 8	£ 80,170 0 0	

Treasury, Wellington,
August 28, 1865.

J. WOODWARD,
Assistant Treasurer.

VII.

STATEMENT OF EXPENDITURE charged on the Loan Appropriation Act 1863, from 1st October 1862, to the 30th June 1865.

NEW
ZEALAND.

1st division, suppression of rebellion:—

Colonial forces:		£	s.	d.	£	s.	d.
Pay	-	699,401	16	8			
Forage	-	7,912	18	11			
Stores, clothing, bedding, and equipments	-	69,075	0	2			
Arms, ammunition, and accoutrements	-	72,683	17	2			
Rations	-	45,975	12	4			
Allowances to families	-	7,850	8	10			
Transport	-	22,917	8	7			
Horses	-	17,492	17	9			
Hospitals	-	18,061	14	2			
Blockhouses, defences, and buildings	-	38,769	3	1			
Sea and river service	-	135,183	18	0			
Maori prisoners	-	8,663	14	2			
Miscellaneous	-	33,219	10	8			
		1,177,208	0	6			
Less balance of militia vote 1863-4	-	17,914	16	1			
					1,159,293	4	5
2nd division, introduction of settlers	-				69,608	19	7
3rd „ surveys	-				44,170	6	6
4th „ public works	-				123,017	2	4
5th „ location of settlers	-				59,624	5	3
6th „ compensation for land	-				3,555	0	2
7th „ lighthouses	-				38,659	7	2
8th „ telegraphs	-				45,329	5	7
9th „ Purposes specified in Loan Act 1862:—							
Re-instatement of Taranaki	-				150,541	3	8
10th „ charges on negotiation of loan and sale of debentures	-				203,578	19	8
Payment of Imperial debt	-				500,000	0	0
					2,397,377	14	4

Treasury, Wellington, August 21, 1865.

J. WOODWARD, Assistant Treasurer.

VIII.

STATEMENT of Bank Balance 6th July 1865.

Amount of balance to the debit of Colonial Treasurer with the Bank of New Zealand, Auckland, 6th July 1865, as per pass book		347,126	10	0
Add outstanding cheques:—				
	8,000	0	0	
	7,309	15	11	
	4,000	0	0	
	18,077	16	8	
	7,000	0	0	
	10,000	0	0	
		54,387	2	7
		401,513	12	7
Add Assistant Treasurer's Debit Balance at Bank of New Zealand, Wellington		601	6	10
		402,114	19	5
Less Credit Balance of Colonial Treasurer with Bank of New Zealand, Wellington		2,015	5	11
		400,099	13	6
Dr. Amount as above		400,099	13	6
Cr. London Account May 26th	298,244	0	0	
„ „ June 26th	114,506	13	4	
	412,850	13	4	
Less Debits in above accounts	4,193	6	7	
		408,657	6	9
Apparent Balance to credit		8,557	13	3

Treasury, Wellington, August 28, 1865

J. WOODWARD, Assistant Treasurer.

NEW
ZEALAND.

VIII_A.

	£	s.	d.
Amount refunded out of General Balance on account of Intestate Estates during the Financial Year 1864-5	-	-	-
	8,707	12	2
Amount of Balance to credit of Intestate Estates Fund at close of year ended 30th June 1865	-	-	-
	32,107	19	1

VIII_B.

STATEMENT OF AMOUNTS paid to Provinces during the Financial Year 1864-5, on account of Surplus Revenue for the Year 1863-4.

	£	s.	d.
Auckland	14,618	11	11
Taranaki	681	16	0
Wellington	3,297	4	10
Nelson	1,744	16	2
Canterbury	8,390	13	2
Otago	23,045	3	2
	51,778	5	3

VIII_C.

STATEMENT OF AMOUNTS paid during the Financial Year 1864-5 on account of claims on the Taranaki Re-instatement Fund.

	£	s.	d.	£	s.	d.
On account interest on Debentures issued under Taranaki Loan Ordinance	-	-	-	10,302	17	1
On account claims:						
In 8 per cent. Debentures	86,750	0	0			
In Cash	4,114	3	2			
				90,864	3	2
Commissioners' Expenses, &c.	-	-	-	348	9	0
				101,515	9	3

J. WOODWARD, Assistant Treasurer.

Treasury, Wellington, August 28, 1865.

IX.

STATEMENT of ACCOUNT between the Imperial Government and the Colony of New Zealand, from the documents at present in the possession of the Colonial Government.

DE.	£ s. d.		£ s. d.		Dates when Account rendered.		£ s. d.	£ s. d.	CR.
To "Error admitted" (<i>vide</i> Appendix, House of Representatives, 1863, page 7, B.—No. 4.)	-	-	-	85,891 10 4	1861. May 17 -	By accounts rendered to Colonial Secretary	53,183 1 4		
	-	-	-		June 7 -	Ditto ditto ditto	15,192 6 11		
	-	-	-		11 -	Ditto ditto ditto	25,868 15 0		
<i>Contributions on account of Her Majesty's troops.</i>	-	-	-		Aug. 7 -	By accounts rendered to Assistant Military Secretary	12,959 13 1		
Remitted for the three months ending 31st March 1862	6,929	13	9				107,203 16 4		
Remitted for the year ending 31st March 1863 (say)	28,175	16	8			Deductions amounting to	2,238 16 7	104,964 19 9	
Remitted for the year ending 31st March 1864	33,906	6	8						
Remitted for the nine months ending 31st December 1864	38,157	4	0		Nov. 25 -	By accounts rendered to Assistant Military Secretary	-	18,731 5 0	
[NOTE.—The Imperial claim of 5 <i>l.</i> per man for troops, remitted from 1st January 1862 to 1st January 1865. See Appendix, House of Representatives, page 3, B.—No. 7.]				107,169 1 1	1862. March 20 -	Ditto ditto ditto	-	7,886 13 11	
					May 9 -	Ditto ditto ditto	-	36,729 13 1	
					Aug. 11 -	Ditto ditto ditto	-	2,011 5 8	
					Sept. 2 and Dec. 11.	By accounts rendered to Private Secretary, including the difference between the Commissariat Statements and Treasury Minute of 29th October 1861	-	100,807 4 11	
Proportion of transport service on the Waikato and other claims (say)	-	-	-	80,000 0 0	Nov. 4 -	Ditto ditto ditto	-	4,494 5 5	
				273,060 11 5				274,125 7 9	
					1863. April 15 -	By contribution on account of the Imperial Troops, from 1st April 1862 to 31st March 1863, &c.	-	28,175 16 8	
					1864. May 5 -	By advances from Imperial chest, August to December 1863	-	186,000 0 0	
						By contribution H.M. troops, from 1st April 1863 to 31st March 1864	-	33,906 6 8	
						By rations issued to Colonial forces, December 1863 to 31st March 1864	-	33,721 14 0	
						By cost of implements issued from Military Store	-	425 10 1	
						By rations issued to Colonial forces at Tauranga, February 1864	-	307 12 8	
					Nov. 12 -	Ditto ditto, April 1864	-	9,438 16 4	
					Nov. 29 -	Ditto ditto, Port Waikato	-	541 17 8	
						Ditto ditto	-	8,541 6 5	
					1865. Jan. 25 -	Ditto ditto, at Te Awamutu	-	1,142 0 4	
						Ditto ditto, June 1864	-	8,783 11 2	
					March 3 -	Ditto ditto, July 1864	13,992 19 2		
						Deduct	205 12 5		
					April 6 -	Ditto ditto, September 1864	-	13,757 6 11	
					April 26 -	Ditto ditto, October 1864	-	24,288 2 5	
						Ditto ditto	-	12,912 16 7	
					May 30 -	Ditto ditto, December 1864	-	141 15 11	
					June 12 -	Ditto ditto	-	18,186 0 4	
					July 26 -	Ditto ditto, March 1865	-	15,651 6 10	
						By contribution H.M. troops to 31st March 1865	-	8,232 15 7	
						By pay of Colonial forces, March 1st to June 30th 1865	-	50,876 5 0	
						By supplies from Military Store and Purveyor's Department	-	6,283 0 5	
							-	977 6 10	
Estimated balance due to Imperial Government	-	-	-	503,406 3 2		Total claims rendered	-	741,466 14 7	
						Add estimated claims outstanding	-	35,000 0 0	
				776,466 14 7				776,466 14 7	

* The Colonial Government is in possession of no information by which the discrepancy between the claims, as stated by the Commissariat Department, and the claims as rendered by the Imperial Government, can be explained.

On reference to the Appendix to the journals of the House of Representatives for the year 1863, p. 7, B.—No. 4, it will be seen that the sum of 274,125*l.* 7*s.* 9*d.* is made up as follows:—

Treasury Minute, 24th May 1862	£ 183,180	s. 6	d. 6
Local Forces.—Pay, rations, &c., to 30th June 1862	17,394	4	5
Do. do. do. to 30th September 1862	4,452	4	5
H. M. Troops.—Contribution for year ending 31st March 1862	27,718	15	6
Road making, to 30th June 1862	31,391	17	5
Do. do. do. to 30th September 1862	43	1	2
	£ 274,125	7	9

On comparing this statement with the one preceding it on the same page of the Appendix, it seems probable that the Treasury Minute of the 24th May 1862, includes the claims for "Fencibles," the steamers "Wonga Wonga," &c., amounting to 85,891. 10s. 4d. This sum the Commissariat officer states to be an "admitted error," although he includes it now in his statement of accounts. The apparent overcharge is debited the Imperial Government in the present statement.

August 10th, 1865.

CHARLES KNIGHT,
Auditor of Public Accounts.

NOTE.—500,000*l.* was remitted in March 1865 in Colonial debentures, and has been accepted by the Home Government, thus reducing the balance to 3,406*l.* 8*s.* 2*d.*

FRED. A. WELD.

IXA.

A CURSORY EXAMINATION of the Accounts from (and including) the published Accounts of 1862-3 gives the following results.

Expenditure in the Province of Auckland under Loan Acts 1862 and 1863 ;		£	s.	d.
War Expenses	-	-	704,232	14 9
Public Works, including introduction and location of settlers	-	-	165,122	13 6
			869,355	8 3

To which there will have to be added the cost of Immigration (in England) and outstanding advances which swell the amount to over 900,000*l*.

Treasury, Wellington, August 28, 1865.

J. WOODWARD, Assistant Treasurer.

X.

RETURN showing the Total Amounts of Expenditure of the General Government (ordinary and extraordinary) within the under-mentioned Provinces for the six months ended 30th June 1865.

PROVINCES.	EXPENDITURE.		
	£	s.	d.
Auckland	320,302	14	10
Wellington			*149,095 17 9
Taranaki			69,093 12 0
Nelson			6,441 10 0
Canterbury			44,586 4 6
Otago			55,772 2 7
			324,989 6 10

* In this is included a sum of 23,837*l*. 10*s*. 0*d*. paid as subsidies for Steam Postal Services for the Colony.

Treasury, Wellington, August 28, 1865.

J. WOODWARD, Assistant Treasurer.

XI.

REVENUE derived from the Customs for the years 1863, 1864, and half-year ending 30th June 1865, with probable Revenue for year ending 30th June 1866.

Revenue, 1863.	Revenue, 1864.	Revenue, Half-year ending 30th June 1865.	Revenue, Estimated for Financial Year 1865-6.
£ 591,837	£ 592,274	£ 346,731	£ 780,000

J. RICHARDSON, Commissioner of Customs.

XII.

LAND SOLD.—Southern Island, 1863 and 1864, to 31st December.

	Years.	Acres.			
			£	s.	d.
Nelson	1863	57,370	21,710	0	0
	1864	39,000	23,830	0	0
Marlborough	1863	144,508	42,729	0	0
	1864	100,000	34,584	0	0
Canterbury	1863	94,126	189,923	0	0
	1864	115,860	233,822	0	0
Otago	1863	21,218	35,970	0	0
	1864	120,000	158,290	0	0
Southland	1863	41,837	48,454	0	0
	1864	65,475	69,420	0	0
			860,732	0	0

A. DOMETT, S.C.L.

XIII.

Return comparing the Revenue for period from 1st July 1863 to 30th June 1865 with two preceding periods of two years each, viz., with that of 1859-61 and 1861-63 to show the growth of the Revenue.

	July 1st 1859 to June 30th 1861.		July 1st 1861 to June 30th 1863.		Centesimal Rate of Increase.	July 1st 1863 to June 30th 1865.		Centesimal Rate of Increase.
	£	s. d.	£	s. d.		£	s. d.	
Customs	338,542	10 9	829,315	2 4	116,225 per cent.	1,256,091	7 2	51.46 per cent.
Postal	20,680	16 9	46,119	2 8	124.09 "	82,759	1 1	79.44 "
Judicial	19,254	0 2	32,491	8 7	68.75 "	57,386	9 3	76.62 "
Registration of Deeds and Land	—	—	10,687	16 8	.0 "	25,233	17 8	136.1 "
Registration of Births, Marriages, and Deaths	2,238	8 0	3,130	12 6	40. "	5,279	0 2	68.62 "
Fees on Issue of Crown Grants	1,998	0 0	3,056	10 0	52.97 "	5,065	0 0	65.71 "
Miscellaneous, including Fees under Arms Act, 1860	4,184	3 10	7,660	6 3	81.64 "	6,552	18 4	13.79 dec. "
Totals	431,797	19 6	932,400	19 0	115.93 "	1,438,367	13 8	54.26 "

Increase of Revenue from 1859-60 (£202,007 6 1) to that of 1864-5 (£731,684 12 8) or 262.2 per cent.

Treasury, Wellington, August 28, 1865.

J. WOODWARD, Assistant Treasurer.

NEW
ZEALAND.

XIV.

COLONY OF NEW ZEALAND.—RETURN OF REVENUE, Imports and Exports for the years 1859 to 1865, showing the amount of each per head for the respective periods.

Year.	REVENUE.				IMPORTS.				EXPORTS.			
	Amount.			Per Head.	Amount.			Per Head.	Amount.			Per Head.
	£	s.	d.	£ s. d.	£	s.	d.	£ s. d.	£	s.	d.	£ s. d.
1859-60	202,007	6	1	2 16 6	1,566,027	0	0	21 18 0	630,021	0	0	8 16 2
60-1	229,790	13	6	2 17 8½	1,780,652	0	0	22 7 3	665,538	0	0	8 7 2
61-2	381,696	18	9	3 17 1	3,821,054	0	0	38 11 9	2,506,076	0	0	25 6 2
62-3	550,704	0	3	4 7 6½	5,310,243	0	0	42 4 1	2,940,761	0	0	23 7 8
63-4	706,683	1	0	4 7 2	7,650,235	0	0	47 4 2	3,467,162	0	0	21 7 11
64 to 31st Mar. 1865	772,867	5	10	4 9 11	4,720,746	0	0	36 12 2	2,569,110	0	0	19 18 5
	2,843,749	5	5		24,848,957	0	0		12,768,668	0	0	

For Great Britain in the year 1861, the amounts were as follows :

Revenue - - £2 8 4½ per head.
Imports - - 7 9 9½ „
Exports - - 5 9 11½ „

Treasury, Wellington, August 28, 1865.

A. WOODWARD, Assistant Treasurer.

No. 51.

No. 51.

COPY of a DESPATCH from GOVERNOR SIR G. GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 118.)

Government House, Wellington, September 15, 1865.

(Received November 11, 1865.)

SIR,

(Answered, No. 92, November 22, 1865, page 257.)

THE disturbances which commenced upon the east coast of this island by the murder of the Rev. Mr. Volkner unfortunately still continue, although the rapid successes gained by Her Majesty's Colonial Forces and the Friendly Natives will, I trust, shortly bring them to a close.

2. From the enclosure herewith transmitted you will find that Her Majesty's Colonial Forces under Captain Fraser and the Native chief Te Mokena gained an important success over the fanatics, whose loss has amounted to 87 killed and 47 prisoners. On this occasion Her Majesty's Colonial Forces behaved with the greatest gallantry.

3. Our loss in these operations has been, of the Native Contingent 15 killed and 14 wounded, and of the European Contingent 10 wounded.

The Right Hon. E. Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. in No. 51.

Enclosure in No. 51.

SIR,

Waiapu Pa, August 3, 1865.

I HAVE the honour to continue, for the information of the Hon. the Minister for Colonial Defence, my report of the 24th ultimo, and as so much has happened in the interval, I trust I will be pardoned for being necessarily brief in this letter, especially as regards the movements of the friendly Natives, about whose doings Mr. Deighton writes more fully.

On the 28th ultimo there was a skirmish between the enemy and the friendly Natives at Kakariki, in which five of the enemy were killed, several wounded, and seven horses, 120 pigs, with potatoes and guns, taken from the enemy.

On the 29th ultimo eight of our friendly Natives went out from here to surprise the enemy's sentries; this they managed to effect, killing two of them.

The 30th being Sunday, and the pa having become very dirty and uncomfortable from the long continued wet weather, I allowed the men to clean their whares, &c., and did not make any active demonstration.

On the 31st ultimo some of our Natives went out skirmishing on the "open plain," so marked on the accompanying rough sketch, kindly furnished by Mr. Deighton, and which will give the Government some idea of the country and positions near our pa. I accordingly sent out Lieut. Biggs with some of his own men, to follow up and obtain a better knowledge of the ground than we had hitherto been able to do; at the same time I myself, accompanied by Mr. Deighton, made a demonstration with my own men against the hill marked "Sentry-hill," in order to distract the enemy's attention from the skirmishers on the plain. This succeeded to some extent, and the skirmishers were enabled to get close to the pa; but as the sentries on the hill could not be dislodged without great risk, and it was no part of my plan to attack the pa on that day, I, about 4 p.m., ordered the men to retire, which Lieut. Biggs and his volunteers did admirably, under a very heavy fire from the enemy, but which fortunately did not inflict any loss upon us.

During the same day, some of our Natives (the rebels having occupied a deserted pa at Ti, belonging to the Chief Aropeta), went out to assist him in dislodging them from it; this they succeeded in doing, the enemy evacuating it in the night, and having had five of their number killed.

Tuesday, the 1st instant, was a bad day, and the Chief Te Mokena not wishing an attack, I waited until the weather cleared, which it fortunately did about evening, and having now arranged our plan of attack, we determined on making it the next day. Our plan was as follows:—I, with Mr. Deighton, Ensign Gascoigne, and 30 men of the Military Settlers, accompanied by the Chief Te Mokena, to proceed from our pa at 4.30 a.m., proceed as marked in the sketch, take Sentry-hill by surprise, and open fire as soon as it was light. Lieut. Biggs, Mr. Tuke, Mr. Hamlin (interpreter), and 30 Volunteers, with the Chief Aropeta, and another party of Natives, to proceed from camp just before daylight, cross the river, and await our fire, keeping his men concealed meanwhile, before he should take up his final position, marked 3.

The above orders were carried out fully and accurately. The force under my command succeeded in occupying Sentry-hill without the enemy observing us, and Lieut. Biggs took up his position in the most steady and admirable manner.

At daybreak I opened fire upon the enemy from Sentry-hill, who immediately rushed to their trenches and returned it. Lieut. Biggs soon got to his final position, and opened fire from that flank, the Natives with him being stationed so as to cut off the enemy's retreat, Mr. Hamlin and six men accompanying them. In his advance, Lieut. Biggs' men here killed one Native. We continued keeping up a hot fire so as to effectually prevent the enemy from blocking up a small entrance to their pa, which they had carelessly left open.

I now determined, as the enemy could not be dislodged from their trenches without a charge, to make one. I knew I could rely on the steadiness of my officers and men, and the result proved I was right. I crossed the river for the above purpose, the friendly Natives under Te Mokena keeping up a hot fire from their rifles to cover our advance, and formed my men up for a charge, under a heavy fire from the enemy, about 60 yards from the small entrance to the trenches; at the same time I signalled to Lieutenant Biggs to charge on his flank, and we then took up the positions 3 and 5, as marked in the sketch. Heading the charge myself, we rushed upon the enemy; four of our number were wounded in so doing, but none killed; and as I was first in the pa I had a narrow escape. But the moment the men carried the pa there was no longer any doubt of our victory. The bayonet and rifle soon did their work, and the pa was ours. The enemy asked for no mercy, and evidently expected none. The killed in the pa amounted to 22. Three more dead bodies were found and buried next day near it. We took prisoners seven women.

I immediately destroyed their pa in every way, cutting down their flagstaff, burning their whares, and levelling their fences. An immense quantity of kumēras, potatoes, and wheat, with several head of cattle, horses, &c., besides all the cattle and sheep belonging to the Chief Te Mokena, were found in or near their pa, and taken by us.

I beg to subjoin for the information of the Government the list of wounded on our side, and that of dead on the side of the rebels, with their names as far as can be ascertained.

The whole fight from the time of my first opening fire until our charge was made took only five and twenty minutes, and by 8.30 a.m. every man of ours had returned to this pa.

I should not be doing justice to the force under my command did I not request the attention of the Government to the bravery and good conduct displayed by them on this and former occasions, and in bringing under the favourable consideration of the Honourable the Minister for Colonial Defence the names of all the officers engaged.

Lieutenant Biggs displayed so many admirable qualities, and has rendered me such valuable assistance as adjutant, that I beg to recommend him for promotion to the rank of captain.

Of Ensign Gascoigne's and Mr. Tuke's services I cannot speak too highly, and I trust the Government will regard their services favourably.

I cannot, however, close this despatch without mentioning how much valuable assistance Mr. Deighton has given me ever since my arrival, and how very much our successes have been due to his counsel and advice. By his skilful management of the Natives I entirely attribute the goodwill prevailing between us and them.

The Chief Te Mokena has given us every assistance in his power, and has uniformly shown us great kindness. I trust the Government will be good enough to remember him.

I have only to add that my life was saved on entering the pa by Private Welfitt, of the Military Settlers, who bayoneted a Native, who, my attention being distracted at the time, was about to tomahawk me. I beg to bring his name under the notice of Government.

I have, &c.

(Signed) JAMES FRASER,
Captain Commanding Local Forces, Waiapu.

SIR,

August 14, 1865.

I AM compelled by want of paper to continue my report of the 3d instant here, and therefore beg to inform you that on the 3d August some of our Natives in searching in the scrub, found a party of 14 women and two men, who had fled from the pa. They accordingly made prisoners of them, and Mr. Deighton purposes taking the two male prisoners with him to Napier.

The Chief Te Mokena has, since the taking of the pa, been out in the bush with a large body of men harassing the enemy, and has killed five of them, besides taking a number of prisoners, who are yet to come in, and some flags, guns, horses, &c.

Mr. Deighton, who proceeds to Napier by the "St. Kilda," will doubtless give all the information on the above points to Mr. McLean.

I trust our successes, slight as they have been, will be approved of by the Government.

I have, &c.

(Signed) JAMES FRASER,
Captain Commanding Local Forces, Waiapu.

NEW
ZEALAND.*Enclosure.*

Ascertained total of Hau Haus killed from the commencement	-	87
Wounded	-	33
Prisoners made	-	5
Ditto wounded	-	42
Total of friendly Natives killed	-	15
Do. do. wounded	-	14
The only casualties on the part of the Europeans are, wounded	-	10

To Captain J. Holt,
Under-Secretary, Wellington.

No. 52.

No. 52.

COPY of a DESPATCH from Governor SIR G. GREY to the Right Hon. EDWARD CARDWELL, M.P.

(No. 119.)

Government House, Wellington,
September 15, 1865.

(Received November 11, 1865.

(Answered No. 92, November 22, 1865, page 257.)

SIR,

I HAVE the honour to transmit for your information a copy of a Despatch I received late last night from Captain Hope of H.M.S. "Brisk," the senior naval officer in New Zealand. You will be glad to learn from this Despatch that Opotiki, the stronghold of the fanatics, and the place where the Rev. Mr. Volkner was murdered, has been taken by Her Majesty's Colonial forces. From other letters I find that the enemy have sustained severe loss, whilst we have had only a few men slightly wounded.

2. You will be gratified to see the terms in which Captain Hope speaks of the conduct of Her Majesty's Colonial forces. In a private letter he tells me, "the Native contingent" were the admiration of us all yesterday. We could see it all from the ship, and it was "beautiful."

I have, &c.

(Signed) G. GREY.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Encl. in No. 52.

Enclosure in No. 52.

DESPATCH from Captain Hope to His Excellency the Governor.

WE have been courteously furnished by the Colonial Secretary with the following Despatch, received by the Government, which was read to the House of Representatives this evening:

SIR,

Hick's Bay, off Opotiki, September 12, 1865.

I HAVE the honour to inform your Excellency that I arrived at Hick's Bay on the 2d instant, and that the steamers conveying the expedition for Opotiki arrived on the morning of the 7th.

The expedition sailed from Hick's Bay that evening, and arrived off this place at daylight on the morning of the 8th.

The division on board the "Ladybird" immediately embarked on board the steamer "Huntress," and the weather being fine and bar favourable, she proceeded into the river, piloted by Mr. Levy, but although that person professed a perfect knowledge of the place, and also examined the bar from the mast-head of the "Brisk," from whence I also took a survey of it, and saw a clear and distinctly marked channel, which I pointed out to him, either from utter imbecility or gross treachery, he deliberately ran the steamer aground completely out of the channel. Meanwhile I had ordered the boats of the vessels to land the Native contingent from the "Storm Bird;" but when this disaster happened every boat was in requisition to land the 290 men from the "Huntress," which vessel was hopelessly aground, for that tide at all events; and this party could only be landed on the sandspit at the mouth of the river, where they entrenched themselves as they best could.

Scarcely was this done when the wind suddenly set in strong from the N.W., and a heavy sea got up, which not only rendered the bar impassable, but obliged the squadron to put to sea, and after laying-to for the night we anchored next morning under the lee of Whale Island.

The position of Major Brassy and his men was a very critical one, as they were only 200 strong, surrounded by the enemy, with but a small quantity of provisions and not much ammunition: I had, however, placed a 6-pounder gun on board of the "Huntress," with an officer and men to work it, and also left a boat and crew in the river to assist. Nevertheless I was extremely anxious for their safety, and the wind having moderated, I ran down to Opotiki in the afternoon, leaving the steamers at Whale Island as the sea was still running high. I had the satisfaction of seeing the "Huntress" afloat and the troops in safety, but the sea was so heavy that I could not even anchor, and returned to Whale Island for the night.

Next morning, the 10th, the vessels all weighed at daylight and proceeded to Opotiki; but the bar was still impassable. Lieutenant Fitton, with boat's crew, volunteered to land, in order to communicate with Major Brassy, but the boat was capsized, and though they got safely on shore they had a narrow escape.

Yesterday morning at daylight, the sea having greatly subsided, the vessels all moved close in to the bar, and the work of disembarkation commenced. The "Huntress" was disabled, having broken her steam pipe, and everything had to be done by the boats. In the course of the day we succeeded in landing nearly all the Native contingent, besides a supply of tents, ammunition, provisions, and other stores, though the bar was at times breaking heavily, and two boats were swamped. Happily, however, no lives were lost.

The Natives, on landing, immediately spread in skirmishing order, drove before them a party of the enemy, seized a pah, burnt the surrounding whares, and then occupied the town, which they now hold; and I should think this must have had a dispiriting effect upon the Hau Haus, of whom I hear that several were killed.

On the first evening after landing, the enemy opened fire upon Major Brassey's party, but I have not heard as yet of any casualties on our side beyond one or two slightly wounded.

There still remains to be landed about 150 men, besides a quantity of stores, provisions, and ammunition. If it has all to be done by the boats it will take some days, even if the weather remains fine, but I trust that the "Huntress" may soon be got ready for service again, as our engineers are at work upon the defects.

I have desired the master of the "Huntress" to remain at Opotiki for the present, as the vessel will be extremely useful in the river, but she will require a supply of coals soon.

It is absolutely necessary that there should be a steamer of light draught stationed here to take supplies across the bar, or else there must be surf boats established. The "Huntress" is not well adapted for this service as she has not sufficient power to steam against the strong freshes.

Nothing can exceed the cheerful behaviour of the Colonial troops under these trying circumstances. The first three nights they were landed they had neither tents nor blankets, and it rained in torrents.

I have omitted to mention that I have landed a 12-pounder howitzer, and a 24-pounder rocket tube, with a small party to assist until the force is all disembarked.

I have, &c.

(Signed)

CHARLES W. HOPE,

Captain and Senior Naval Officer,

New Zealand.

His Excellency Sir George Grey, K.C.B.,

&c. &c. &c.

No. 53.

No. 53.

COPY of a DESPATCH from Governor SIR G. GREY to the Right Hon. EDWARD CARDWELL, M.P.

(No. 120.)

Government House, Wellington,

September 23, 1865.

(Received December 18, 1865.)

(Answered No. 109, December 26, 1865, page 265.)

SIR,

I HAVE the honour to state that it being necessary to attempt to apprehend and punish the murderers of the Rev. Mr. Volkner, an expedition was fitted out for the purpose, and despatched to Opotiki, the scene of the murder.

2. This expedition was accompanied by Capt. Hope, of H.M.S. "Brisk," who rendered very essential services on this occasion. My Responsible Advisers, in the memorandum of which a copy is enclosed, requested me to convey to Capt. Hope the thanks of the Government of New Zealand for the important services which he, together with the officers and men of H.M.S. "Brisk" had rendered; and as I feel very much indebted to Capt. Hope for his efficient assistance, I should feel much obliged to you if you would bring under the notice of the Lords Commissioners of the Admiralty the services of Capt. Hope, and of the officers and men of H.M.S. "Brisk" on this occasion.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,

(Signed) G. GREY.

&c.

&c.

&c.

Enclosure in No. 53.

Encl. in No. 53.

MEMORANDUM.

MINISTERS respectfully request His Excellency the Governor to express to Captain Hope, R.N., commanding H.M.S. "Brisk," the thanks of the Government of New Zealand for the very important services which that officer, and the officers and men under his command, have rendered to the Colony on the occasion of the recent expedition of Colonial troops to Opotiki.

Those services have greatly contributed to the success which has hitherto attended that expedition, and they are the more valuable inasmuch as they evince a spirit of cordial cooperation with the Colonial authorities in active efforts to suppress the present native disturbances.

I have, &c.

(Signed)

FRED. A. WELD.

Wellington, September 20, 1865.

COPY of a DESPATCH from GOVERNOR SIR G. GREY to the Right Hon. EDWARD CARDWELL, M.P.

(No. 121.)

Government House, Wellington,

October 4, 1865.

(Received December 18, 1865.)

(Answered No. 108, December 26, 1865, page 265.)

SIR,

* Page 217.

IN your Despatch No. 50,* of the 26th of July last, in reference to the Despatches of General Cameron to the Secretary of State for War of May last, you state that General Cameron had informed the Secretary of State for War that it was his opinion "that nothing was more to be desired than that the Colony should rely upon its own resources, energy, and courage."

I beg respectfully to be permitted to point out that the fact is not as apparently stated by General Cameron to the Secretary of State for War, but as follows:—I was the person who expressed the opinion, quoted by General Cameron, in the following words, in a letter to that officer of the 1st of May 1865.

"I am aware that they (the Colonial Ministers) participate with me in an earnest wish that the Colony should for the future, in as far as possible, carry on active operations from its own resources, as we believe that if it can only have such operations carried on by being at the same time subjected to such imputations as those contained in some of your recent letters, it would be for many reasons better that it should attempt to extricate itself from its difficulties by relying on its own resources, energy, and courage."

2. It will also be found from the enclosed copy of a memorandum to my Responsible Advisers of the 7th of April last, that I, on that date, used the same words to them.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,

(Signed) G. GREY.

&c.

&c.

&c.

Enclosure in No. 54.

MEMORANDUM.

THE Governor having considered the recent letters he has received from Sir D. Cameron, thinks it right to make the following remarks to his Responsible Advisers.

Sir D. Cameron's view evidently is that the present war is carried on for the profit and gratification of the Colonists that it is in great part conducted with a view to the occupation of the Waitotara block of land, claimed by a purchase from the Natives; which was an iniquitous job; that it is not surprising that the Natives have resisted our road making there, and that the Government at home ought to be made acquainted with the true history of the business. That it is not probable that any Colonial Ministers would care how many British officers and soldiers are lost in any operation they recommend, so long as the policy they advocate is carried out; and that this subject of the loss of British officers, and soldiers is a point which has never sufficiently entered into the Governor's calculations.

That at least in one instance the Governor and one of the Colonial Ministers would have entertained feelings in common with the rebel Natives of disappointment at an attack not being made, which, it is stated by the General, would have entailed a large loss on the British force with no corresponding advantage on our side.

The Governor in the first place would state that it is with the greatest unwillingness he, from a sense of what is due to the public service, remains quiet under remarks to which no one has a right to subject him.

The following observations he, however, wishes to make on this subject.

If a General in the field entertains such views regarding the service on which he is employed, views which many must soon find out he does hold, it appears hardly possible not to fear that operations carried on by the force under his command cannot be conducted with that spirit which more than any other circumstance tends to promote the rapidity and entire success of operations in the field.

The Governor also believes that if a Colony can only have operations carried on by being subjected to such imputations, it will be more likely to extricate itself speedily from its difficulties, by relying on its own resources, energy, and courage, than by depending on aid accompanied by remarks of this kind.

He therefore would wish, with the assent of his Responsible Advisers, that he should inform Sir D. Cameron that the Colony will for the future carry on active operations from its own resources, and will make preparations to render practicable a speedy reduction of the force in this country, and that he should also communicate with Her Majesty's Government, and endeavour with their concurrence to carry out the proposed arrangements by which the Colony will hereafter provide for its own defence; the Colony in the meantime completing in as far as it can from its own resources the operations necessary for the subjugation of those Natives who still remain in arms.

I have, &c.

(Signed) G. GREY.

April 7, 1865.

Government House, Wellington.

No. 55.

COPY of a DESPATCH from Governor Sir GEORGE GREY to the Right Hon. EDWARD CARDWELL, M.P.

(No. 122.)

Government House, Wellington,
5th October 1865.

(Received December 18, 1865.)

SIR,

(Answered, No. 7, January 23 1866, page 268.)

* Page 222.

ADVERTING to your Despatch, No. 55,* of the 26th of July last, the enclosures to which contain a representation from General Cameron to the Secretary of State for War to the effect that a memorandum written by myself, and another written in reply by my Responsible Advisers, were published in the newspapers of the colony, my Ministers have requested me to inform you that the correct description of the circumstances attending this transaction would be, that these memoranda were published in the usual form of a parliamentary paper, and that they were then copied by a colonial newspaper.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

No. 56.

No. 56.

COPY of a DESPATCH from Governor Sir G. GREY to the Right Hon. EDWARD CARDWELL, M.P.

(No. 125.)

Government House, Wellington,
14th October 1865.

(Received December 18, 1865.)

SIR,

(Answered, No. 110, December 26, page 265.)

I HAVE the honour to transmit for your information the copy of a Proclamation I have issued, with the advice of my Responsible Advisers, announcing to the Natives of New Zealand the desire of the Government to regard the war in New Zealand as ended, and calling upon all chiefs and tribes to aid me in putting a stop to all acts of violence for the future.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 56.

Encl. in No. 56.

PROCLAMATION OF PEACE.

By His Excellency Sir GEORGE GREY, Knight Commander of the most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and Vice-Admiral of the same, &c., &c., &c.

THE Governor announces to the Natives of New Zealand that the war which commenced at Oakura is at an end.

The Governor took up arms to protect the European settlements from destruction, and to punish those who refused to settle by peaceful means the difficulties which had arisen, but resorted to violence and plunged the country into war.

Upon those tribes sufficient punishment has been inflicted. Their war parties have been beaten; their strongholds captured; and so much of their lands confiscated as was thought necessary to deter them from again appealing to arms.

The Governor has therefore shown that he will not permit the peace of the Colony to be disturbed without inflicting severe chastisement on those who resist his authority.

The Governor hopes that the Natives will now have seen that resistance to the law is hopeless; he proclaims on behalf of the Queen, that all who up to the present time have been in arms against Her Majesty's authority will never be prosecuted for past offences, excepting only those who have been concerned in the murders of the following persons because those persons were barbarously and treacherously murdered:—

The children Parker and Pote, killed at Omata, on the 27th March, 1860;

The boy Joseph Sarten, killed at Henui, on the 4th December, 1860;

The Native Ngakoti, who was killed, and his wife and her daughter killed at Kaipikari, in December, 1864;

Mrs. Margeret Fahey, killed at Rama Rama, on the 16th October, 1863;

The boys Richard Trust and Nicholas Trust, killed at Kennedy's Farm, on the 24th October, 1863;

NEW
ZEALAND.

The Rev. Mr. Volkner, killed at Opotiki, on the 2nd March 1865 ;

Mr. James Fulloon, and his companions, killed at Whakatane, on the 27th July, 1865 ;

The Chief Rio Haeaterangi, killed near Wanganui, in January 1865.

The murderers of those persons will be brought to trial as soon as they are arrested.

The Governor also excepts from this pardon the Chief Te Pehi, because, having taken the Oath of Allegiance to Her Majesty, he violated his oath, and treacherously attacked the Queen's troops at Pipiriki ; when taken he will be brought to trial for this crime.

All others are forgiven.

Out of the lands which have been confiscated in the Waikato, and at Taranaki and Ngatiruanui, the Governor will at once restore considerable quantities to those of the Natives who wish to settle down upon their lands, to hold them under Crown grants, and to live under the protection of the law. For this purpose Commissioners will be sent forthwith into the Waikato, and the country about Taranaki, and between that place and Whanganui, who will put the Natives who may desire it upon lands at once, and will mark out the boundaries of the blocks which they are to occupy. Those who do not come in at once to claim the benefit of this arrangement must expect to be excluded.

The Governor will take no more lands on account of the present war.

As regards the prisoners now in custody, the Governor will hold them until it shall be seen whether those who have been in arms return to peace. If they do so, the prisoners will be set at liberty.

The Governor is sending an expedition to the Bay of Plenty to arrest the murderers of Mr. Volkner and Mr. Fulloon. If they are given up to justice the Governor will be satisfied ; if not, the Governor will seize a part of the lands of the tribes who conceal these murderers, and will use them for the purpose of maintaining peace in that part of the country, and of providing for the widows and relatives of the murdered people.

The Governor now calls upon all the chiefs and tribes to assist him in putting a stop to all such acts of violence for the future ; for all, whether Europeans or Natives, have a common interest in putting an end to such crimes, and in preserving the peace of the Colony.

The Governor is about to call a meeting of all the great chiefs to consult with his Government as to the best means whereby the Maori people may be represented in the General Assembly, so that they may henceforth help to make the laws which they are called on to obey. At that meeting all matters can be discussed, with a view of establishing a general and lasting peace throughout New Zealand.

Her Majesty the Queen desires that equal laws and equal rights and liberties may be enjoyed by all her subjects in this island, and to that end the Governor, in the name of the Queen, publishes this Proclamation.

Given under my hand, at the Government House at Wellington, and issued under the Public Seal of the Colony of New Zealand, this 2nd day of September in the year of our Lord 1865.

G. GREY.

By his Excellency's command,
Fred. A. Weld.

GOD SAVE THE QUEEN !

No. 57.

No. 57.

COPY of a DESPATCH from Governor SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 126.) Government House, Wellington, October 14, 1865.

(Received, December 18, 1865.)

SIR,

(Answered, No. 113, December 26, 1865, page 266.)

I REGRET to transmit for your information a copy of a letter I have received from Mr. Weld, informing me that he places in my hands his own resignation, and those of his colleagues.

2. The New Zealand Ministers arrived at this determination because they were virtually defeated on a question of finance, and thus felt that there was an absence of that hearty support on the part of the Assembly which could alone justify them in carrying on the Government, and could have enabled them to succeed in that policy of self-reliance and self-defence, by which they had determined to stand or fall.

3. Mr. Stafford has undertaken to try to form another Ministry, but it is doubtful whether I shall be able to report by this mail if he has succeeded in this attempt.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,

(Signed) G. GREY.

&c. &c. &c.

Enclosure in No. 57.

NEW
ZEALAND.

Encl. in No. 57.

MY DEAR SIR GEORGE GREY,

Wellington, October 12, 1865.

It was last night moved in the House of Representatives that a part of the revenue to arise from the stamp duties should be appropriated to the Provinces; but such a plan, if carried, would entirely disarrange the financial scheme which the Government considers necessary to carry into effect, the policy of self-reliance and self-defence by which it must stand or fall.

Notwithstanding that the House was informed that the question was considered by the Government as vital, this motion was negatived only by the casting vote of the Speaker.

This practical defeat of Ministers, taken in connexion with several recent divisions, indicates an absence of that hearty support on the part of the House which could alone justify the Ministers in undertaking the responsibility of conducting the Government of the Colony in the present critical position of its affairs. The Ministers, therefore, respectfully place their resignations in your Excellency's hands, and in doing so they beg to express their deep sense of the cordial cooperation you have always afforded them during the term of their office.

His Excellency, Sir George Grey, K.C.B.,
&c. &c. &c.

I remain, &c.,
(Signed) FRED. A. WELD.

No. 58.

No. 58.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 127.)

Government House, Wellington, October 14, 1865.

(Received, December 18, 1865.)

SIR, (Answered, No. 112, December 26, 1865, page 266.)

I HAVE the honour to transmit for your information copies of letters from Brigadier-General Waddy, C.B., detailing the murder by the Hauhau fanatics of Kereti, a native chief, and the probable murder of Mr. C. Broughton, Interpreter to Her Majesty's Forces in the Whanganui district, by the same people.

2. In each of these cases Brigadier General Waddy's messenger was decoyed into a friendly interview, and then, in the one instance certainly, and in the other case too probably, murdered.

3. These murders are (if the latter has been committed, which I do not doubt) of the most shocking and treacherous character. It is greatly to be regretted, as you will find from the enclosed copy of my letter to Major-General Chute, that the action of the military authorities has been so tardy, but, as you will have seen from previous correspondence, I am quite ignorant of the nature of the instructions under which Brigadier-General Waddy has been acting. Major-General Chute will, I have no doubt, prevent such difficulties from arising for the future.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure 1 to No. 58.

Encl. 1 in
No. 58.

SIR,

Wanganui, September 27, 1865.

I HAVE the honour to report for your Excellency's information, that on the 19th instant I sent a trustworthy policeman named Kereti, from this to Weraroa, in company with a Native named Tariu, who was to deliver to the rebels between Weraroa and the Patea, copies of the proclamation of peace which reached me on the 17th instant. Kereti was told by Mr. C. Broughton (interpreter to the forces here) not to trust himself among the rebels, but he neglected this order, and on the 22nd instant he left the Weraroa redoubt to meet some rebels. He was seen going up the Karaka Hill, and not long afterwards shots were heard by Lieut.-Colonel Trevor, 14th Regiment, commanding at Weraroa, who at once sent out a party to the Karaka Hill. They found Kereti lying on the path in an exhausted state, and wounded in six places; he was carried back to the Redoubt, where (I regret to say he died on the morning of the 24th instant. On the evening of the 22nd instant, when I heard of Kereti's having been wounded, I directed Mr. C. Broughton to go out to see him, and I beg to forward Kereti's statement as taken down by Mr. Broughton. I have also the honour to forward the statement of Tariu with regard to his reception by the rebels at "Putae" which is near the Whenuakura river, and where a number of rebels are assembled.

D d 4

Kereti said the men who shot him were—

Himiona Te Whawati of Ngarauro tribe, Hare Tipene's Hapu.

Rowiri, a native of Taranaki, but connected with Ngatiporou Hapu, and with Wirema Pcaka, who is now a prisoner at Wellington.

Hami Tukihata, of Ngarauro tribe, hapu te Nvi pirau.

I have, &c.,

(Signed) RICHARD WADDY, Brigadier General,
Commanding Forces.

His Excellency Sir George Grey, K.C.B.

&c. &c. &c.

(Translation.)

Tariu's Statement.

Whanganui, September 25, 1865.

I AND Kereti left town on the 19th instant. We arrived at the soldiers' redoubt at the Weraroa, and we slept there. Next day I went off to the Putae, leaving Kereti at the Weraroa. When I arrived at the pa I saluted the people. That finished, one man came out to salute me (Karapehu). Then he asked me the reason for my coming there. I said I am a mail from the Governor; I gave him my papers for him to convey to the people. He took the papers to them, and then returned to my side, and remained. We sat there doing nothing; we did not converse until evening, when Pirimona came and saluted me. When that was finished, I asked him "What will be done about my papers, and as to my returning to-morrow?" He said "There is no word. You will be taken and made a prisoner of; you will not be allowed to go back." This is all. I slept in Pirimona's house. Next day Hare Tipene came to me to see me. I asked him what was his thought about the papers? He replied, "It does not rest with me, but with Hetaraka and the people." This was all his word. He returned. I was staying as a prisoner. I was not allowed to return, and I slept there also. At night Pirimona was fetched to go to the Runanga which was being held concerning myself and my papers. On his return he told me the men were not agreeable to the Governor's talk; their wish was to keep on fighting against the Europeans, against the sovereignty of the Queen. It also would be no good to try and make peace at a future time, rather they intended to keep on fighting against the sovereignty of the Queen. They were soldiers. But rather let the Governor go to Te Ua to make his peace, because that was the great chief, Te Ua. This is all that word. I should be let go to return to Whanganui to-morrow, but that I must not come back again. This is all. On Friday morning Hare Tipene came to me and told me to travel by the beach, I must not return by the way I came, because ambuscades were laid for me. This is all. I came by the beach, and arrived at the Weraroa. I found Kereti was shot. He was staying at the soldiers' redoubt. On Saturday, Charles Broughton and Te Karera arrived to us. Then Kereti told C. Broughton about his being shot. Kereti's talk was written down by Charles Broughton; we heard the talk, we saw the writing. It is correct.

This is all.

FROM TARIU TEUIRA.

(Translation.)

Kereti's Statement.

Weraroa, September 23, 1865.

WE two (i.e. himself and Tariu) came from town on Tuesday, and arrived at Weraroa, and slept there. On Thursday I went out, and when I reached Areiahi I saw a party of 20 going to lay ambuscades in the Kohiroa. I lay hidden, let them pass; they also did not see me. I went on. When I was near to the river (Waitotara), I saw four women on the other side; they called out to me, "Who is that?" I replied, "I, Kereti." They called out to me "Come." Then Rawiri called out asking me the reason for my coming there. I replied "The peace-making of the Governor. Tariu has also gone down to carry the news to the Putae." They called back to me "We are not agreeable to this peace-making of the Governor." I said "Must I go back?" They replied to me "Yes." That was all. Then Rawiri called out to me "No; do you return to-morrow, that we may talk it over thoroughly."

Next day, upon this word of theirs, I went to take them the papers of the Governor, but the path was ambuscaded after me. I was shot, and fell. I was shot by Himiona te Whawati, by Rawiri, and by Hami Tukihata. This is all. I fell. They rushed upon me to take away my things, they took away my clothes, my money, 15s., and a shark's tooth. They saw the soldiers coming and ran away.

Enclosure 2 in No. 58.

SIR,

Militia and Volunteer Orderly Room, Wanganui, October 4, 1865.

I REGRET to report for your information that news came in from the Patea last evening, that it was greatly to be feared that Mr. C. Broughton, a Wanganui settler and interpreter to the Imperial forces, had been murdered by the Natives at their pah at Kakarama. Various rumours being in circulation, and feeling it my duty to report to you whatever occurs, I went to Mr. Buller, R.M., for the heads of the reliable information, who, of course, has reported it fully to the Government.

The following, as far as I can gather, appears to be the state of the case.

A letter came in a week ago, signed by two or three Natives of no importance, and addressed to "the colonels, majors, and captains in the service" asking them to appoint a day to meet them for the purpose of discussing the just law, evidently referring to the peace proclamation which had reached them through Tariu, a Wereroa prisoner, lately, I am informed, liberated at Wellington.

Mr. C. Broughton received, it appears, instructions from Brigadier-General Waddy, C.B., to proceed to Patea at once. He did so, accompanied by Wiremu Pukapuka, a Rangitikei assessor. They reached Patea on Friday evening; on the following day (Saturday) Mr. C. Broughton, accompanied by the Native, proceeded under an escort of 10 men from the redoubt to a short distance in front of the Kakaramea Pah (where Major Von Tempsky attacked the rebels). Their flag of truce was immediately answered by a white flag at the pah, and several Natives came out and conversed with Mr. Broughton and invited him to go into the pah. Mr. Broughton refused, but proposed that they should meet midway, indicating a spot. The proposal being rejected by the Natives, Mr. Broughton returned to the redoubt at Patea with the escort. The next morning he went again to see the Natives, accompanied by Wiremu Pukapuka and an officer from the redoubt. On hoisting the white flag three Natives came out to meet them, one of whom was Ruka, who had been a servant of Mr. Broughton's for 12 months. They again asked Mr. Broughton to go into the pah, Ruka assuring him that he would be safe, but Wiremu Pukapuka strongly recommended him not to go, as he was sure there was treachery at hand. Mr. Broughton went, and Wiremu Pukapuka and the officer returned to the redoubt. Some time afterwards, but I cannot find out exactly when, three shots were distinctly heard, and the red flag was hoisted instead of the white, and although 36 hours had elapsed when the news came in from Patea, no tidings had been heard of Mr. Broughton.

This morning I felt it my duty to wait upon Brigadier-General Waddy, C.B., to find out if any measures were going to be taken to rescue Mr. Broughton. I offered, if the General wished, to try and raise 100 volunteers of Europeans and Maories, and proceed with them myself, at once, to the Patea. The Brigadier-General, in reply, certainly led me to suppose that in the present state of affairs he could not sanction an expedition being formed to act on the aggressive without reference to the Government. When I took upon myself the responsibility of waiting upon the Brigadier-General for the above object, had he accepted my offer, it was my intention to have called for volunteers. I should not have guaranteed them pay; at the same time I should have promised to have recommended them to you most strongly for it. I mention this here because I shall feel greatly obliged if you can possibly inform me how far I am justified in acting on an emergency like this. In conclusion I beg to add, if the Government intend the local forces here to act on the aggressive, I, with pleasure, await their commands.

I have, &c.,
(Signed) EDWARD GORDON, Lieut.-Colonel,
Commanding W.M. District.

The Hon. the Minister for Colonial Defence,
Wellington.

Enclosure 3 in No. 58.

SIR, Wellington, October 9, 1865.
IN forwarding for your Excellency's information the enclosed copy of a communication received from Brigadier-General Waddy, C.B., I have the honour to request that I may be favoured with instructions relative to the future employment of the troops in the Wanganui District.

Encl. 3 in
No. 58.

I have, &c.,
(Signed) J. CHUTE,
Major-General.

His Excellency Sir George Grey, K.C.B.

SIR, Wanganui, September 30, 1865.
I HAVE the honour to request that I may be furnished with instructions from the Major-General commanding the forces, with regard to the employment of the troops under my command in this district, as I suppose our relations with the rebel Maoris are altered since the Proclamation of Peace. I wish to be informed if I am to undertake any operations against them if they do not (within a short time) come in and make submission. There are several villages in the bush, all the way from Weraroa to Waimate, occupied by Maoris, but not in any considerable numbers at each place, and, as far as I can ascertain at present, they are not inclined to accept peace. In the event of any convoy being attacked, or our mounted orderlies fired at, does the Major-General think it advisable I should endeavour to punish the rebels by attacking their villages near the place at which they might attack a convoy or orderlies, or are we to remain on the defensive in the posts now occupied between this and Waingongoro, and up the Wanganui river.

I have, &c.
(Signed) R. WADDY,
Brigadier-General Commanding Wanganui
District.

The Deputy Quartermaster-General,
Wellington.

Enclosure 4 in No. 58.

SIR, Head Quarters, Wellington, October 9, 1865.
I HAVE the honour to forward for your Excellency's information the copy of a letter received from Brigadier-General Waddy, C.B., relative to the supposed murder by the rebels of Mr. Broughton, interpreter to the forces in the Wanganui district.

Encl. 4 in
No. 58.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) J. CHUTE,
Major-General.

SIR, Wanganui, October 5, 1865.
I HAVE the honour to report for the information of the Major-General commanding the forces, that Mr. Charles Broughton, interpreter, left this by my direction on the 29th September, to commu-

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nicate with the rebel Natives near Kakarama, who had hoisted a white flag, and had written a letter asking for an interpreter to be sent to them to talk about the * * * proclamation of peace. On the 30th of September Mr. Broughton had an interview with a few Maoris, and another meeting was appointed for next day. Mr. Broughton left the redoubts with an officer and a friendly chief; only a few rebels met him, and they said he must go on to their village to speak to the people. One of the rebels was a man intimately known to Mr. Broughton, and by him he was persuaded to go on. The friendly chief declined to accompany him. I regret to say fears are entertained for Mr. Broughton's safety, as up to noon on Tuesday last (3d instant) he had not returned, and the rebels had hoisted a red flag in place of the white one. The rebels are at or near the place where the bushrangers, under Major Von Tempsky, attacked them.

The Deputy Quartermaster General,
Wellington.

I have, &c.
(Signed) RICHD. WADDY,
Brigadier-General commanding Wanganui
District.

Encl. 5 in
No. 58.

Enclosure 5 in No. 58.

SIR,

Government House, Wellington, October 11, 1865.

I HAVE the honour to acknowledge the receipt of your letters of the 9th instant, enclosing letters from Brigadier-General Waddy, C.B., dated the 30th ultimo and the 5th instant.

In the first of these letters he asks whether Her Majesty's forces are to remain on the defensive in the posts they now occupy, even in the event of the rebels attacking our convoys, or firing on our mounted orderlies. This letter was written subsequently to the barbarous and treacherous murder by the rebel Natives on the 22d ultimo, close to a redoubt in the occupation of a body of Her Majesty's forces under Brigadier-General Waddy's command, of a Native messenger whom he had himself sent to convey a message of peace to the Natives, of which they knew he was the bearer, and with which they had invited him to meet them.

In the second letter Brigadier-General Waddy reports the supposed murder of Mr. Charles Broughton by the rebel Natives. The Brigadier-General states that on the 29th of September, in compliance with a letter from the rebel Natives asking that an interpreter might be sent to them to talk about peace, he had sent Mr. Broughton to them, that nothing had been heard of that gentleman up to the date of the Brigadier-General's letter. There is much reason to fear he has been most treacherously made away with.

I cannot say how shocked I was to learn these particulars, and my concern has been increased by finding that the Brigadier-General, who had a large force at his command, has allowed so long a time to elapse, without taking prompt and energetic means to ascertain the fate of his own messenger, whom he had despatched on a message of peace, and if necessary, either to have rescued him, or to have inflicted punishment on his treacherous murderers. The whole circumstances connected with this case appear at present to be at once so sad, and to reflect such discredit on the authorities, that I think the Brigadier-General should be called on to furnish an explanation in relation to them.

I cannot but wonder that the Brigadier-General, two of whose messengers on errands of peace have been treacherously murdered close to his posts whilst obeying the orders of a British General, should remain on the defensive in the posts he occupies, until he receives your instructions whether he is to continue to do so or not. It appears to me that his duty under such circumstances was obvious; that his having failed to do it is greatly to be lamented, and must produce most unfortunate results, and that he should be instructed to explain what has taken place, and not to lose an hour in attempting to punish or bring to justice the murderers of his messengers.

The Hon. Major-General Chute,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. 6 in
No. 58.

Enclosure 6 in No. 58.

SIR,

Wellington, October 11, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date, relative to Brigadier-General Waddy's communications of the 30th ultimo and 5th instant, and I beg to inform your Excellency that I am now sending instructions in conformity therewith to the Brigadier-General by special messenger overland to Whanganui.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) J. CHUTE,
Major-General.

Despatches from the Secretary of State.

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ZEALAND.

No. 1.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

No. 1.

(No. 44.)

SIR,

Downing Street, June 24, 1865.

IN continuation of my Despatch, No. 75* of the 27th of July 1863, I transmit to you for your information and for that of your Responsible Advisers, copies of two letters from the War Department, enclosing statements of the amount due by the Colony of New Zealand to the Imperial Government.

4th Apr. 1865.
15th June 1865.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

SIR,

War Office, April 4, 1865.

WITH reference to the letter from this department of the 24th June last, and to the papers relating to a proposal that Parliament should guarantee a loan to be received by the Government of New Zealand to meet the expenses arising out of the native war, presented to both Houses of Parliament in the same month, I am directed by Earl de Grey and Ripon to forward for the information of Secretary Mr. Cardwell, the enclosed statement of account in continuation of that which accompanied my letter of the 24th April 1863.

I have to draw your attention to the omission from that account of the sum of sixteen thousand four hundred and twenty-two pounds two shillings and tenpence defrayed from Imperial funds for the services of the vessels "Tasmanian Maid" and "Wonga Wonga" 1858-62, which may have been refunded to the Admiralty irrespective of this department.

I have, &c.

The Under Secretary for the Colonies.

DOUGLAS GAITON.

NEW ZEALAND.

Amount due by the Colony to 31st March 1864.

	£	s.	d.	£	s.	d.
To amount brought forward from statements of sums due by the Colony of New Zealand to 30 Sept. 1862, as shown by papers relating to a proposal that Parliament should guarantee a loan to be received by the Government of New Zealand to meet the expenses arising out of the native war (presented to Parliament June 1864)	-	-	-	207,317	1	8
To amount of capitation at 5 <i>l.</i> per man :—	£	s.	d.			
1862-3	27,037	10	0			
Less already charged	7,000	0	0			
	20,037	10	0			
1863-4	34,826	5	0	54,863	15	0
To advance from treasury chest, 20 Aug. 1863	12,000	0	0			
" " 14 Sept. "	12,000	0	0			
" " 9 Oct. "	12,000	0	0			
" " 7 Nov. "	100,000	0	0			
" " 29 Dec. "	50,000	0	0	186,000	0	0
To cost of rations to colonial forces, viz. :—						
December 1863	8,064	0	1			
January 1864	9,217	10	4			
February 1864	9,504	5	5			
March 1864	12,459	0	2	39,244	16	0
				280,108	11	0

* Vide Papers presented (on the subject of the Guaranteed Loan June 1864, page 3.)

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	£	s.	d.	£	s.	d.	£	s.	d.
December quarter, 1863, transports	-	-	75 7 6						
" " washing bedding	-	-	16 12 4						
" " subsistence in prison	-	-	66 8 7						
" " washing hospital bedding	-	-	7 4 11						
" " fuel and light	-	-	7 19 0						
" " medical comforts	-	-	115 16 8						
" " pay of militia	-	-	439 3 0						
				728	12	0			
March quarter, 1864, militia pay	-	-	-	34	10	0			
							763	2	0
Charge for passage	-	-	-	70	0	0			
Freight of stores, September 1863	-	-	-	38	7	6			
Pay list, detachment, 65th foot	-	-	-						
December quarter, 1862, charge for Taranaki Militia	-	-	-	170	13	5			
Medicines for Maori prisoners	-	-	-	821	18	4			
							1,100	19	3
Amount due for arms and other military stores supplied per claim. See War Office letters :—									
23 Dec. 1863, 57/30/5080	-	-	24,806 14 9						
5 Dec. 1863, 57/30/4976	-	-	102 5 11						
5 Jan. 1864, 57/30/5121	-	-	141 15 11						
6 Jan. 1864, 57/30/5145	-	-	9,255 19 1						
3 Feb. 1864, 57/30/5248	-	-	6,181 5 0						
1 April 1864, 57/30/5558	-	-	4 2 4						
July 1864, 57/30/6026	-	-	246 9 1						
7 July 1864, 57/30/5882	-	-	687 9 9						
27 Aug. 1864, 57/30/6337	-	-	6,718 1 11						
30 Aug. 1864, 57/30/6372	-	-	3,125 9 4						
1 Sept. 1864, 57/30/6390	-	-	2,060 16 10						
Issued 3 Dec./63 & 5 Jan./64, 57/30/6424	-	-	115 9 2						
			53,445 19 1						
DEDUCT									
Amounts paid by Colony in part of 4,832 <i>l.</i> 19 <i>s.</i> 11 <i>d.</i> , charged in statement to 30 Sept. 1862 :—									
2 Aug. 1861, 57/30/1240	-	-	1,477 12 0						
5 Sept. 1861, 57/30/1382	-	-	73 0 6						
			1,550 12 6						
DEDUCT									
Credits per pay list, detachment, 65 foot, December quarter, 1862 :—									
Taranaki militia	-	-	23 10 6						
" "	-	-	62 11 9						
				86	2	3			
Treasury chest account :—									
June quarter, 1862, Refund of field allowance May 1862 by A. C. G. Cattell	-	-	-	2	5	6			
March quarter, 1864, Refund of pay advanced to militia	-	-	298 17 0						
" " washing bedding	-	-	7 4 11						
				306	1	11			
Dec. quarter, 1868, washing bedding	-	-	1 1 10						
" militia pay	-	-	31 3 0						
" " "	-	-	38 12 6						
" subsistence, military prisoners	-	-	11 15 2						
" " "	-	-	16 4 11						
" " "	-	-	28 2 5						
" transport	-	-	24 0 0						
" hospital expenditure	-	-	57 2 1						
" militia pay	-	-	36 9 0						
" " "	-	-	41 0 0						
" " "	-	-	11 12 6						
				297	3	5			
Treasury chest	-	-	-	0	7	8			
Necessaries to troops (military prisoners) en route to London per "Swordfish" and "Light Brigade"	-	-	-	108	1	1			
							800	1	10
							£ 540,384	18	8

Enclosure 2 in No. 1.

SIR,

WITH reference to the letter from this department of 4th April last, enclosing a statement of the account with the Colony of New Zealand, and to the papers relating to the guaranteed loan to that Government, I am directed by Earl de Grey and Ripon to forward, for the information of Mr. Secretary Cardwell, a statement, in continuation of that above mentioned, showing a total debit against the Colony of 564,985*l.* 2*s.* 2*d.*

I have, &c.

DOUGLAS GALTON.

The Under Secretary of State for the Colonies.

MEMORANDUM of Account in continuation of that which was enclosed in War Office Letter, dated 4th April 1865.

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Enc. 2 in No. 1

No. of Claim in W.O. books.	To balance on transactions in New Zealand to 31 March 1864, and of claims for the supply of stores to 30 Sept. 1864	£	s.	d.	£	s.	d.
		-	-	-	540,384	18	8
1308	Value of stores issued on 22 Aug. 1864	2,859	10	4			
1317	" " 4 Sept. 1864	4	2	4			
1320	" " 4 July 1864	102	5	11			
1325	" " 8 Feb. and 4 & 22 Mar. 1865	963	16	10			
1342	" " 10 Nov. 1864	4,174	4	9			
1343	" " 15 Nov. 1864	1,218	12	7			
1350	" " 5 April 1865	3,815	9	8			
1351	" " 19 Nov. 1864	6	3	3			
1368	" " 3 and 17 Dec. 1864	1	4	5			
1389	" " 27 Dec. 1864	2,047	13	3			
1398	" " 10 and 24 Aug. 1864	201	13	7			
1418	" " 5 Feb. 1865	616	10	5			
1439	" " 26 Jan. 1865	2,656	9	6			
1445	" " 21 Jan. 1865	220	10	0			
1454	" " 29 Sept. 1864	1,298	12	5			
1458	" " 11 Nov. 1864	416	12	8			
1468	" " 13 Sept. 1864	702	10	11			
1478	" " 22 Mar. 1865	3,054	12	11			
1483	" " 4 May 1864	104	8	9			
1509	" " 3 and 7 Dec. 1864	0	12	5			
		24,465	16	11			
	Value of stores supplied to the Colonial Government for the use of the Militia Hospital by Purveyor at Auckland	134	6	7			
					24,600	3	6
	Total debit, irrespective of the payments on the spot, in the course of the year 1864-5, the accounts for which year have not yet been received	-	-	-	564,985	2	2

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 50.)

SIR,

Downing Street, July 26, 1865.

THE accident which detained the former mail from New Zealand has caused your despatches of April to remain for answer now with those of May.

In the despatches of these two mails there is matter for much regret. I am deeply concerned to receive the painful intelligence of the massacre of Mr. Volkner, of Mr. Hewett, and of the other persons, Europeans and friendly Natives, and also the evidence of the strength of the Pai Marire superstition, which you have recorded in those despatches. But on the other hand, in the most recent of them, you report that affairs on the east coast have again assumed a more favourable aspect, that there is little reason to apprehend disturbance in that part of the island, and especially that the native race have themselves taken a large and active part in preserving the peace of that district. These reports are very reassuring. If, indeed, the event shall justify the confident expectation you express, that Rewi, who has been hitherto the chief leader of the rebels, now intends to make his submission to the Government, we may expect the most beneficial consequences to follow that submission.

What I have principally to address to you, however, in connexion with these despatches, must relate to the difference which has so unhappily arisen between yourself and General Cameron, and to the military and financial policy which, in concert with your Advisers, you propose to pursue.

E e 3

You will have learnt from my former despatches that I had already received from the Secretary of State for War some intimation of your difference with General Cameron, and was expecting to hear from yourself an explanation of the causes of that difference, and of the bearing of it upon the safety of the settlers, the conduct of military operations, and the future welfare of the Colony. It now appears that the real origin of that difference has been an opinion on the part of yourself and your Ministers that, after the Waikato tribes had been reduced, the safety of the southern settlements required that the tribes between Taranaki and Whanganui, who were amongst the most guilty of all the tribes, and that in a great measure without cause, should also be reduced to submission; while, on the contrary, General Cameron has considered it undesirable to recommence hostilities, has thought it inexpedient to enter upon any further aggressive operations, has regarded it as necessary to consolidate what we had got, and especially has objected to your employing the troops in aggressive operations in the manner you have desired in the neighbourhood of Taranaki.

My former despatches will not have left you in ignorance of the general views which are entertained by Her Majesty's Government on this subject. In objecting to the employment of the troops in aggressive warfare, and especially in pointing out to you the peculiar hazards which always appear to attend the extension of settlement at Taranaki and the neighbourhood, I have indicated the course which Her Majesty's Government desire you to pursue, and have plainly told you to include in the land taken for settlement no greater an extent than you are prepared to defend with a colonial force, and to undertake no operations of any kind, whether in the formation of roads, the extension of settlements, or otherwise, which would render more distant the time at which the troops of Her Majesty might be withdrawn from the Colony.

But I also concur with you in thinking that if, consistently with these views, it has been possible to chastise into submission the rebel Natives of the Taranaki and Wanganui districts, such chastisement was just in reference to the past, and politic in reference to the future.

I assume that when you called upon General Cameron to engage in these operations, and temporarily to occupy this territory, you did so in the fullest reliance on your own power to maintain the position you have thus occupied, and to defend the territory you have thus acquired with a colonial force alone, and without involving the necessity for any delay in sending home the Queen's troops.

It is impossible to read without profound regret a correspondence like that which has passed between yourself and General Cameron, and to see that, in the midst of difficulties and dangers like those by which you have been surrounded, it has not been possible for two very able and distinguished men, filling positions of great responsibility and importance, to maintain unbroken those friendly and confidential relations with each other which, in such circumstances, are so essential for the public good.

It has added to the pain with which Lord de Grey and I have received this correspondence to find that Sir D. Cameron complains of your having made use of his letter to you in a way which he did not intend to authorize, and which he regards as having been unfair towards him, and calculated to prejudice the Colonial Ministers against him. Irrespective of the scrupulous care which ought always to be observed when public documents are founded upon private communications, it is evident that the publication of such minutes as those of yourself and your Ministers in the colonial newspapers could not but tend to impair the influence of the officer commanding the Queen's troops with the general public of New Zealand, and that nothing short of absolute necessity therefore, could justify such a publication. You appear to have concluded from General Cameron's expressions that his private letter had been sent home officially; but if such were your impression that impression was erroneous; since General Cameron had some time ago applied for leave to come home, which had been accorded to him; and since the arrangements now contemplated for the removal of the troops render his further stay unnecessary, I shall not at present enter further on this painful subject. I must earnestly enjoin upon you the observance of a frank and considerate communication with General Cameron during the brief continuance of the reciprocal relations in which you have hitherto been placed.

It is indeed very satisfactory that on the principal question, whether or not an Imperial force shall be employed for aggressive operations in a third campaign, there seems to be an entire agreement of opinion. The instructions which you have received from me have been in complete accordance with your own opinions and that of your Ministers, that no measures should be undertaken which will retard the removal of the whole of the Queen's troops, and with the opinion conveyed by General Cameron to Earl de Grey, in which you have expressed your concurrence, that "nothing is more to be desired

" than that the Colony should rely as much as possible on its own resources, energy, and courage." It is painfully evident that two campaigns have been more than enough of a contest, in which ten thousand of the Queen's troops, aided by a Colonial force sometimes nearly equal in number, have been engaged in war against a body of Natives never exceeding, as you have led me to understand, more than 2,000 in number at one time. The European population of the Northern Island already equals, or perhaps exceeds in number the whole of the Native population; and the Natives are so far from being united against us that many of our most important successes have recently been due to the fidelity and courage of the friendly Natives. I cannot better express the views of Her Majesty's Government on this, the cardinal question of the whole policy, than by adopting the following words from the Ministerial Memorandum, which you have enclosed to me: " Ministers believe the success of their policy to depend upon the willingness of the European settlers and of those Natives who live amongst them to come forward in self-defence, aided, for a time at least, by an armed constabulary force under the direction of the Civil Government. They are of opinion that the Province of Auckland, for instance, having a population of about 37,000 European inhabitants, besides a very large proportion of friendly Natives, ought to be in a position to ward off any attack from the comparatively small and badly armed force which might be brought against it. Ministers are aware that disasters to settlers in exposed positions may at times occur, but such disasters have not been prevented by the presence of Imperial armies, nor could they were those forces doubled.

" It is then proposed, with the sanction of the General Assembly, to establish an armed constabulary force to occupy defensive posts, to be supported as occasion may require by friendly Natives, by volunteer, bushranger, and cavalry corps, all of which have hitherto done excellent service; and in case of emergency by the whole militia of the district. It is submitted that a force of the nature proposed has been proved to be more effective for the special purposes required in New Zealand than large armies organized with a view to European warfare. Such a force at least may, it is hoped, be within the reach of the Colony. The possession of it would entail no liability to interference in the management of our internal affairs, whilst, on the other hand, New Zealand has neither the means nor the desire to retain an Imperial army.

" Ministers advise the reduction of the Imperial force in New Zealand, and believe that, with the assistance of the Imperial authorities, a few months would enable them to supply, as far as necessary, the place of all the troops now present in this country."

I will now advert to your Despatch,* No. 49 of 8th April, in which you forward to me the memorandum of your Ministers on the present financial position of the Colony of New Zealand. That memorandum closes with the expression of their trust that " the Home Government will extend its aid to the Colony, either by covering the remainder of the three million loan by the Imperial guarantee, or by making the Colony an annual grant in aid of extraordinary expenditure for the next four or five years," and you express your own opinion that the Imperial Government should guarantee an additional million in excess of the amount stated by your Responsible Advisers. I must, however, remind you that, when in 1863 the Assembly originally passed the Loan Act for three millions, you forwarded it to Her Majesty's Government with your own strong recommendation that the request of your then Ministers for a guarantee for that amount should be acceded to, and the then Colonial Treasurer came over to England, and urged with great ability the cause he was deputed to promote. I told you at once that it was impossible for Her Majesty's Government to make to the Imperial Parliament any such proposal as that for a guarantee of three millions; but, after frequent conferences with Mr. Reader Wood, and upon a full exposition of the affairs of the Colony, I engaged to apply to Parliament for a guarantee of one million, and I obtained it. That guarantee has been declined by your present Advisers, and by the Assembly, on the ground, as I understand, that the conditions of the Imperial Act would be incompatible with subsisting arrangements with the Provinces, and would prejudice the securities for the provincial loans, or, in other words, that the Imperial Act required a priority of charge over other loans, and included in the security the territorial revenue, and the sums mentioned in the former correspondence as " surplus for distribution to Provinces." Yet these conditions were in conformity with the precedents afforded by the Act for the Imperial guarantee passed in 1857, and with the Act of the New Zealand Assembly in 1862, from which the Imperial Act of 1864 may be said to have derived its origin. You must have observed from the reports of what passed in Parliament that the guarantee of one million, even when the securities were pledged, was not assented to without long debates, nor without repeated divisions. I can only

* Page 42.

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ZEALAND.

understand your present request to be that I shall apply to Parliament to guarantee a sum of nearly two, or, as you express it, of nearly three millions, and that I shall at the same time acquiesce in the objection of your Government, and of the Assembly, to pledging the securities of which I have spoken. I think it must be evident to you and to your ministers what the probable fate of any such proposal would be if I were to engage to make it.

If I were to propose a grant to the Colony to be voted by the Imperial Parliament I should have to contend with such arguments as these: I should be told that since the 1st April 1863 the sums charged upon the Imperial Treasury for the service of New Zealand had fallen very little short, if at all, of two millions of money; that a loan, which at the request of the then Colonial Treasurer the Imperial Parliament had consented to guarantee, had been refused by the Colony; but that in contending for that guarantee I had laid before the House of Commons on behalf of the Colony the statement of a balance of receipt over expenditure, which was scarcely consistent with my present application for Imperial aid on the score of a deficient colonial exchequer. I should be reminded that, in stating that balance, I had not included the portions of land confiscated in this war which would be available for sale, nor the increasing revenue to be derived from customs or excise on articles consumed by the new settlers on those portions of the confiscated lands which might be devoted to purposes of military settlement. I should be told, I fear with irresistible force, that I had failed to establish a sufficient case for that which must always be regarded as in the highest degree exceptional, viz., a vote of the Imperial Parliament in aid of the expenditure of an established, and in the main a flourishing and advancing colony.

For it must not be forgotten that Her Majesty's Government agree with your advisers in regarding the Colony of New Zealand as a whole. In expectation of a report which I understood I was to receive from you upon the Auckland petitions, I have as yet not entered at length into the question of the proposed division of the Colony. I have, however, stated from the first that, as at present advised, Her Majesty's Government have seen no reason for giving any encouragement to any such proposal. I now infer, in the absence of any report from you to the contrary, that your own opinion agrees with that of your advisers, and I authorize you to assure them that the Colonial Government will receive the support of the Imperial Government in maintaining the unity of the Colony. You may answer in the same sense the petitions which you have forwarded to me from Auckland.

I conclude, therefore, with expressing on the part of Her Majesty's Government our entire concurrence in the policy of your advisers, which proposes to stop the present war expenditure,—to reduce, and in a few months altogether to supply the place of, all the troops now present in the Colony,—to get rid therefore of the liability to interference in the management of their internal affairs,—to give to their fellow subjects of the native race civil rights, and at the same time to bring them, gradually I presume and cautiously, under the control of the law. I cannot encourage you to expect that the guarantee of one million, obtained not without difficulty from the Imperial Parliament but rejected by the Colony, can now be replaced by a guarantee of nearly two, or even of nearly three, millions upon less secure terms; nor, while I concur in maintaining the unity of the Colony, can I acknowledge that there is sufficient evidence to show that the united Colony does not possess the means of maintaining its own armed police by its own unassisted resources. It is scarcely needful to repeat that the Secretary of State for War will send no reinforcements to General Cameron, but will by the present mail approve his intention to commence at once the removal of the troops.

I have, &c.

Governor Sir G. Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 51.)

SIR,

Downing Street, July 26, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 39* of the 3d of April, informing me of the defeat of a party of rebel Natives near the River Patea, by a force under the command of Colonel Weare.

I notice with satisfaction the small loss to Her Majesty's troops with which this operation was attended.

NEW
ZEALAND.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 4.

No. 4.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 54.)

SIR, Downing Street, July 26, 1865.

I HAVE received from the Lords Commissioners of the Treasury the enclosed letter, and have to instruct you that the system of advances from the Treasury chest, which you have recommenced, be discontinued.

26 July 1865.

In addition to what I have said in another Despatch about the operations at Taranaki, I have now to observe that before you engaged in those operations the mode in which the colonial payments were to be made ought to have been considered, and the necessity of a sudden order for advances from the Treasury chest ought not to have arisen. You must be aware that when the Act for the guaranteed loan was discussed in Parliament, this subject of advances was repeatedly noticed, and the fullest assurances given in respect of it.

If it were possible, when writing at this distance, and when the safety of Her Majesty's subjects in some unforeseen contingency may be most materially concerned, to issue orders so peremptory that the responsible officer on the spot could in no possible case depart from a literal compliance with them, I should do so. I stop short only at this point in giving you this instruction.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD CARDWELL.

SIR, Treasury Chambers, July 25, 1865.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to request you to inform Mr. Secretary Cardwell that they have had under their consideration your letter of 27th May last, enclosing copy of a despatch from the Governor of New Zealand, dated 10th March last, stating that the Crown agents for the Colonies had been instructed to issue and hand over to the Imperial Government, debentures for 500,000*l.* at 4 per cent. interest, having 50 years to run, with a view to the adjustment of the debt due to the Government.

My Lords have also read the report of the Crown agents to whom the question had been referred as to the present value of these securities.

Their Lordships are willing, under the circumstances, to accept these debentures as a collateral security for a portion of the debt due to Her Majesty's Government, and to draw the interest from time to time becoming due thereon.

My Lords have also considered Mr. Elliot's letter of the 19th instant, enclosing a correspondence between the Governor of New Zealand and the Lieut. General commanding the troops, respecting an application of the local government for the issue from the treasury chest of cash advances for the payment of the Whanganui militia.

Their Lordships have received from the War Office a communication to the same effect from the officer in charge of the commissariat in New Zealand. It appears from the letters of that officer that, notwithstanding the instructions issued in October last, to prevent any further increase of the debt due by the Colony to the Imperial Government, the supplies to the colonial troops have continued to be made uninterruptedly by his department, and that no arrangement had been made to relieve the commissariat from the burden of this charge. My Lords regret to observe that no measures appear to have been yet adopted in the Colony for arresting the increase of its liabilities to the Imperial Government, but that the Governor has authorized additional advances, which will greatly augment them. They desire, therefore, to call the serious attention of the Secretary of State to the inconveniences which must result from this accumulation of debt unsanctioned by Parliament, and to request that immediate and stringent orders may be sent to Sir George Grey to prevent the continuance of these unauthorized advances from imperial funds.

Sir F. Rogers, Bart.

I am, &c.
(Signed) G. A. HAMILTON.

NEW
ZEALAND.
No. 5.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 55.)

* Page 217.

SIR,

Downing Street, July 26, 1865.

WITH reference to my despatch, No. 50,* of this day's date, I transmit to you copies of despatches addressed by Sir D. Cameron to Earl de Grey, on the differences which had arisen between the General and yourself. I also enclose a copy of Lord de Grey's despatch in answer. And further, a copy of another despatch from his Lordship, having reference to the sending home of the regiments now in New Zealand.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Encl. 1 in No. 5.

Enclosure 1 in No. 5.

Lieut. General CAMERON to the SECRETARY OF STATE FOR WAR.

(No. 113.)

MY LORD,

Head Quarters,
Auckland, May 7, 1865.

I BEG to draw your Lordship's attention to the enclosed memoranda which have been published in all the newspapers in this Colony.

The words "for the profit and gratification of the colonists," are extracted from a private letter of mine to Sir George Grey, and I can entertain no doubt that his Excellency's memorandum of the 4th of March was directed against me, whilst from the attack which ministers made upon me in their memorandum, in reply, it is equally clear that they must have been informed that I was the person referred to in the Governor's memorandum.

I had never received any intimation from Sir George Grey, either of his having written his memorandum of the 4th March, or of his having received that of the ministers in reply, and I was ignorant of the existence of those documents until I saw them accidentally in one of the local newspapers a few days ago.

I am aware that, as Sir George Grey and myself are public officers, our private letters are so far public documents as that they are liable to be produced before the Government we are both serving; but I conceive that he made a most unfair and unauthorized use of my letter in quoting it in a memorandum addressed to the Colonial Ministers, apparently with the intention of prejudicing them against me, and exciting an ill feeling against me in the Colony generally, which though it can be of little concern to me personally, yet, as I command the troops in the Colony, cannot but be injurious to the public service.

It appears to me very important that her Majesty's Government should express their opinion upon the proceedings of Sir George Grey as no British Officer will willingly retain command for a single day in a colony where his private letters to the Governor are liable to be used against him for the purpose for which mine have been used against me by Sir George Grey.

I have, &c.

(Signed) D. A. CAMERON,
Lieut. General.

P.S.—I enclose the copy of a letter I addressed to Sir George Grey on this subject.

D. A. C.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

Lieut. General CAMERON to the SECRETARY OF STATE FOR WAR.

(No. 115.)

MY LORD,

Head Quarters,
Auckland, May 7, 1865.

I HAVE the honour to transmit the copy of a letter I have received from Sir George Grey, Governor of New Zealand, enclosing copies of two despatches addressed by his Excellency to the Secretary of State for the Colonies, and I now forward, for your Lordship's information, my replies to these despatches.

I have, &c.

(Signed) D. A. CAMERON.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

Lieut. General CAMERON to THE SECRETARY OF STATE FOR WAR.

(No. 116.)

MY LORD,

I HAVE the honour to forward the copy of a letter I received from his Excellency Sir George Grey in reply to a private letter from me in which I informed him that I had furnished your Lordship with copies of the private correspondence between us, which I forwarded by the last mail.

If I had waited to forward those letters until his Excellency had had time to send a reply to my letter of the 30th March I should have lost a mail, and thinking it extremely probable that his Excellency would also bring the correspondence in question to the notice of the Secretary of State for the Colonies by the same mail, I considered it advisable not to incur that delay.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

Head Quarters,
Auckland, May 7, 1865.
I have &c.
(Signed) D. A. CAMERON,
Lieut. General.

Lieut. General CAMERON to THE SECRETARY OF STATE FOR WAR.

(No. 119.)

MY LORD,

WITH reference to my letter to your Lordship of 7th instant, No. 113, relative to certain memoranda written by the Governor and his Ministers, and published in the newspapers of the Colony, I have the honour to forward a letter I have received from his Excellency in reply to mine of 3d May, with its enclosures.

Your Lordship will perceive that Sir George Grey does not attempt to deny either the facts or the inferences I have drawn from them in regard to which I have complained to your Lordship.

It also appears from the Memorandum of Ministers that on receiving my letter of 3d May Sir George Grey thought proper to communicate to them my private letter to him of the 28th January, proving that he has done and continuous to do all in his power to create an ill feeling against me in the Colony.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut. General.

Lieut. General CAMERON to THE SECRETARY OF STATE FOR WAR.

(No. 120.)

MY LORD,

THE enclosed memorandum addressed by the Colonial Ministers to his Excellency the Governor of New Zealand having appeared this morning in a local newspaper, I have thought it right to inform your Lordship and Her Majesty's Government of the circumstance with as little delay as possible, and I have therefore despatched the steamer "Alexander" with this letter to Melbourne, in the hope that she will be in time to overtake the mail for England.

This memorandum has been written by Ministers in consequence of the Governor having communicated to them the contents of my private letters to him.

I have already drawn your Lordship's attention to this conduct on the part of the Governor, which I can only attribute to a desire to prejudice the Government and inhabitants of this Colony against me, regardless of the injury which the public service must sustain thereby.

I have informed his Excellency of my intention to send the "Alexander" to Melbourne.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON.

Lieut. General CAMERON to THE SECRETARY OF STATE FOR WAR.

(No. 122.)

MY LORD,

I HAVE the honour to forward, for your Lordship's information, a copy of a letter received from Sir George Grey, in reply to mine of this date, a copy of which is also enclosed.

Your Lordship will not fail to perceive the fallacy of the argument employed by Sir George Grey when he states that I must have looked on my private letters to him as public documents when I communicated them to your Lordship in a private letter.

NEW
ZEALAND.

I should never have questioned his right to make use in any way he thought fit, when communicating with Her Majesty's Government, of the opinions which I confidently expressed to him in any of my private letters; but to divulge the contents of these private letters to his Colonial Ministers could have had no other possible result than to raise an outcry of the Colonists against myself personally, without any possible good, but rather every prospect of injury to the public service.

I need not say that in the circumstances of colonial service it is only right and reasonable that the Governor and the Commander of Her Majesty's Forces should be able to communicate with each other unreservedly on measures affecting Imperial interests, without feeling that by so doing they are exposed at any moment to such treatment as I have received at the hands of Sir George Grey.

So far as any allusion to the Colonial Ministers is concerned, I should have thought myself as safe in writing to Sir George Grey as he must have felt when frequently speaking to me about his late responsible advisers, and I regret that for some reasons which it is not for me to point out it now suits his purpose to try to turn the tide of colonial feeling against me.

I leave the matter with full confidence in the hands of Her Majesty's Government.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut.-General.

Encl. 2 in No. 5.

Enclosure 2 in No. 5.

SIR,

War Office, 26th July 1865.

*No. 113, 7 May.

margin,* and I have learnt from them with great regret the differences which have arisen between Sir

George Grey and yourself.

It is much to be lamented that such a correspondence as that of which you have forwarded me copies should have passed between two able and distinguished men filling most responsible appointments at a time when it was of the highest importance that they should maintain unbroken those friendly and confidential relations with each other which, in such circumstances, are so essential for the public good.

I regret, therefore, if there are any expressions in those letters liable to misconstruction or calculated in any way to cause annoyance to the Governor; but it is with great pain that I have learnt that you consider that you have grounds for complaining that Sir George Grey has made a use of your letters to him which you did not intend to authorize, and which you regard as having been unfair towards you and calculated to prejudice the Colonial Ministers against you.

Irrespectively of the scrupulous care which ought always to be observed when public documents are founded upon private communications, it is evident that the publication of such minutes as those of Sir George Grey and his ministers in the Colonial newspapers, could not but impair the influence of the officer commanding Her Majesty's troops in the Colony of New Zealand, and that nothing short of absolute necessity could therefore justify such a publication.

Sir George Grey appears to have concluded, from your expressions, that your private letter to him had been sent home officially, but this impression, if it existed in his mind, was erroneous.

As you some time ago applied for leave to come home, which was consequently accorded to you, and as the arrangements now contemplated for the removal of the troops will I trust render your longer detention in New Zealand unnecessary, I shall not at present enter further upon this painful subject, but shall confine myself to forwarding to you a copy of the despatch relating to it which Mr. Cardwell has transmitted to Sir George Grey by the present mail.

Lieutenant-General
Sir Duncan Cameron, K.C.B.

I have, &c.
(Signed) DE GREY AND RIPON.

Encl. 3 in No. 5.

Enclosure 3 in No. 5.

SIR,

War Office, 26th July 1865.

I HAVE the honour to acknowledge the receipt of your despatch of the 15th May last, No. 121, and to inform you that I approve of the steps which you have taken to commence the withdrawal of the troops from New Zealand, and that I trust that you will be able not only at an early period to complete the reduction of force contemplated in my despatch of 27th February, but that the instructions sent by the Secretary of State for the Colonies to the Governor will be carried into execution by that officer as to lead to the almost immediate removal of the whole.

Lieutenant-General
Sir Duncan Cameron, K.C.B.

I have, &c.
(Signed) DE GREY AND RIPON.

No. 6.

No. 6.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 62.)

SIR,

Downing Street, August 9, 1865.

I HAVE to acknowledge the receipt of your Despatches, Nos. 41 and 46, of the 4th and 7th April last, in refutation of certain statements made in a letter addressed by Mr. Fitzgerald to Mr. Adderley, a copy of which appeared in the Times newspaper of the 14th November last. I have also received your further Despatch of the 7th May, No. 60, forwarding a letter addressed to me by Mr. Fitzgerald, to whom you had given copies of your Despatches Nos. 41 and 46 above referred to. * Pages 16 and 39.

I request that you will inform Mr. Fitzgerald that I have received his letter.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 7.

No. 7.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 63.)

SIR,

Downing Street, August 19, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 43, of the 6th of April, forwarding for my information a memorandum from your Responsible Advisers in answer to the communication which I addressed to you on the 26th of October last, in common with the Governors of the different Australian Colonies, respecting an Imperial Act which it was proposed to pass for establishing the validity of certain Colonial Acts and ascertaining the powers of Colonial Legislatures. * Page 34.

There are two points to which your Ministers call attention in this statement: 1st, the inconvenience resulting from the clause in the Imperial Guarantee Act, 1857, which provides that no Colonial Act varying the security given shall be valid unless passed with a suspending clause; and, 2dly, the insufficiency of the power granted to the Colonial Legislature by the Constitution Amendment Act, 1857, to alter the provisions of the Constitution Act of 1862.

You will have learnt from my Despatch of the 26th ultimo that an Imperial Act "to remove doubts as to the validity of Colonial Laws" had already been assented to by the Queen when your Despatch was received, and consequently that no opportunity was afforded of considering the remarks of your Advisers with a view to immediate legislation.

The question, however, of any alteration in the security for the guaranteed loan of 1857 is too peculiar and too important to have been properly dealt with by the recent Act. I shall be ready to give it full consideration in concert with the Lords Commissioners of the Treasury and in connexion with the general proposals for the settlement of the present liabilities of the Colony which I am expecting to receive from you.

The doubts entertained by your Ministers respecting the validity of Colonial Laws repealing inferentially any part of the Constitution Act were treated of in a report from Sir W. Atherton and Sir Roundell Palmer, which was forwarded to you in my predecessor's Despatch, No. 67, of the 26th of June 1863. Remembering the tenor of that opinion, and remembering also that the Local Legislature is unquestionably competent to repeal any Acts passed in implicit contravention of the Constitution Act and to re-enact them in such a form as they may consider unimpeachable in point of form, I am not inclined to think that the doubts which your Ministers bring under my notice furnish sufficient reason for a special application to the Imperial Parliament.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 8.

NEW
ZEALAND.COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 65.)

Sir,

Downing Street, August 22, 1865.

WITH reference to my Despatch, No. 44* of the 24th June last, I transmit to you a copy of a further letter from the War Office, with a statement of the liabilities of the New Zealand Government to the Imperial Treasury on the 31st October last.

The gross amount you will see is stated to be 641,260*l.* 1*s.* 7*d.*, and this amount, of course, is exclusive of any further advances which, on your application, have been made for the payment of the militia, and of the sums that may be due on account of the continued issue of stores by the Commissariat for the Colonial Service. I trust, however, that any such advances will have been replaced by the Colonial Government.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Enclosure in No. 8.

Sir,

War Office, August 7, 1865.

I am directed by the Secretary of State for War to transmit to you, to be laid before Mr. Secretary Cardwell, the accompanying copy of a letter from the senior Commissariat Officer in New Zealand, together with the statement therein enclosed, showing the amount of the liabilities of that Colony to the Imperial Treasury on 30th October last.

I have, &c.

The Under Secretary of State,
&c. &c. &c.

(Signed) EDWARD LUGARD.

(No. 1634.)

Sir,

Commissariat, New Zealand,
Auckland, April 26, 1865.

I do myself the honour to transmit, for the information of the Secretary of State for War, a statement showing the amount of the liabilities of this Colony to the Imperial Treasury on the 31st October last, the date to which the charge for supplies issued to the colonial troops has been rendered.

I have, &c.

The Under Secretary of State for War,
&c. &c. &c.(Signed) H. STANLEY JONES,
Com. General.STATEMENT of Claims by the Imperial Treasury against the Colonial Government of New Zealand
to 31st October 1864.

Service.	Amount.	Total.
	£ s. d.	£ s. d.
Amount reported in Controller's letter, No. 1460, of 4th October 1864	- - -	561,354 15 2
COST OF SUPPLIES TO COLONIAL FORCES.		
April 1864	9,766 9 0	
May 1864	9,083 4 1	
June 1864	9,925 11 6	
July 1864	13,992 19 2	
August 1864	11,639 8 1	
September 1864	12,648 14 4	
October 1864	12,912 16 7	
		79,969 2 9
Amount of claim by Military Store Department on account of stores supplied at Sydney for gun boat Waikato	141 15 11	141 15 11
DEDUCT		
Value of overcharges, vide W. O. Queries from 1st May to 31st October 1863	- - -	205 12 3
	Gross amount £	641,260 1 7

Commissariat, New Zealand, Auckland,
April 26, 1865.(Signed) H. STANLEY JONES,
Commissary General.

No. 9.

NEW
ZEALAND.
No. 9.COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 66.)

SIR, Downing Street, August 23, 1865.

IN your Despatch of the 10th March last, No. 34,* you informed me that the Crown agents had been instructed to deliver to the Imperial Government, New Zealand Government Debentures for 500,000*l.*, with a view to the adjustment of the debt due by the Colony to the Imperial Government, and by the letter from the Lords Commissioners of the Treasury of the 26th ultimo, a copy of which was enclosed in my Despatch, No. 54† of the same date, you will have learnt that their Lordships had determined to accept the debentures as a collateral security for a portion of the debt, and to draw the interest from time to time becoming due thereon.

* Vide papers
presented
2nd June 1865,
page 5.

† Page 221.

I now transmit copy of a further correspondence with the Lords Commissioners in regard to the creation and deposit of the bonds.

19th Aug.
24th Aug.

You will observe that I have advised the postponement of the final appropriation of the monies until there has been time for the receipt of your answer to this Despatch.

I shall therefore be glad to receive any observations either you or your advisers may wish to offer at as early a period as possible.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL.
&c. &c. &c.

Enclosure 1 in No. 9.

SIR, Treasury Chambers, August 19, 1865.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you that they have had before them your letter of 11th instant, in the last paragraph of which it is stated that Mr. Secretary Cardwell assumes that this Board will give to the Crown agents for the colonies whatever instructions are required respecting the disposal of the bonds of the New Zealand Government amounting to 500,000*l.*, which the Crown agents have been instructed to hand over to the Imperial Government in part adjustment of the debt of that Colony.

My Lords have already informed the Secretary of State that they have accepted these debentures only as a collateral security for a portion of the debt due to Her Majesty's Government, and Mr. Cardwell will probably agree with their Lordships in opinion that, as the bonds will only be deposited as a security, the Crown agents should be instructed to prepare them in such amounts and for such periods as would best suit the convenience of the Colonial Government in disposing of them when returned to them after payment of the debt to the Imperial Government.

Should Mr. Cardwell agree in this opinion, my Lords request that instructions may be given accordingly to the Crown agents.

My Lords suggest that the bonds when prepared should be deposited with the Bank of England in the names of the Crown agents, and of the Assistant Secretary of this Board, in which case my Lords will direct the Bank to place the interest from time to time to the credit of the public account.

I have, &c.

Sir F. Rogers, Bart. (Signed) G. A. HAMILTON.

Enclosure 2 in No. 9.

SIR, Downing Street, August 24, 1865.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 19th instant, respecting the disposal of the bonds of the New Zealand Government, amounting to 500,000*l.*, on account of their debt to the Imperial Government.

I am to request that you will inform the Lords Commissioners of the Treasury in reply, that Mr. Cardwell will instruct the Crown agents to proceed as regards the creation and deposit of the bonds in the manner recommended by their Lordships.

Mr. Cardwell will communicate this arrangement to the Governor of New Zealand by the mail of the 26th instant, and in the meantime it appears to him desirable that any final appropriation of any of the monies should be deferred until there has been time for the receipt of the Governor's reply to the Despatch.

I have, &c.

G. A. Hamilton, Esq. (Signed) T. FRED. ELLIOT.

NEW
ZEALAND.
No. 10.

No. 10.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 67.)

SIR,

Downing Street, August 24, 1865.

I HAVE to acknowledge the receipt of your Despatches of the 23d and 30th May last, Nos. 72* and 78*; the first, forwarding a report of his proceedings from Captain Luce, of Her Majesty's Ship Esk, who at your request had visited the friendly chiefs on the East coast; the second, forwarding a report from Captain Fremantle, of Her Majesty's Ship Eclipse, of his visit to the Bay of Plenty.

I have read their reports with much interest as showing the disposition of the different tribes, and I trust that your anticipations that important results may follow will be realized.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 11.

No. 11.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 68.)

SIR,

Downing Street, August 25, 1865.

I HAVE to acknowledge the receipt of your Despatch of the 23d May last, No. 71,* forwarding a petition from the Natives of Hokianga, praying that the place of residence of the Governor may not be moved from Auckland to the South of New Zealand.

My Despatches will already have made known to you the views of Her Majesty's Government in regard to the change in the seat of Government, and I request that you will return an answer to the Natives who have signed the petition in accordance with those views.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 12.

No. 12.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 70.)

SIR,

Downing Street, August 26, 1865.

I HAVE the honour to acknowledge the receipt of your Despatches noted in the margin.

I learn, with the greatest satisfaction, that the skilful and rapidly executed movements of Colonel Warre to the north and south of Taranaki have placed that province in a state of security, and have in point of fact, as you believe, brought the war in that province to a close; and also that William Thompson had come before Brigadier General Carey, accompanied by Mr. Graham, and had made his own submission to the Government, as also that of the so called Maori king, which he was authorized to do. I trust that you are well founded in the confident expectation you express, that the example thus set by the leading rebel chiefs in this part of the island will be followed shortly throughout the entire Colony.

In other respects I have received with the greatest regret the contents of the present mail. There are many serious evils inseparably connected with what has been taking

20th May,
No. 67., p. 92.
23d May,
No. 73., p. 105.
24th May,
No. 74., p. 106.
30th May,
No. 76., p. 108.
6th June,
No. 79., p. 111.
8th June,
No. 81., p. 114.

place in New Zealand, viz., the conduct of a war by the officers and troops of the mother country for the defence of a colony of mixed races at the antipodes, against the rebel portion of the native race; not the smallest of such evils is the possibility of what has now unhappily occurred,—a difference of opinion, exasperated into a bitter personal controversy, between the Governor of the Colony and the Officer commanding Her Majesty's troops.

I have communicated to Lord de Grey the despatches which I have received from you, and when I receive his Lordship's answer I shall address you upon the subject.

In the meanwhile I have to convey you my instructions in respect to communications between the Defence Minister and officers in the position of Colonel Warre.

It must doubtless have been very desirable that the utmost freedom should prevail for the purpose of carrying into effect their common objects. That there should have been any difficulty about such communications is one of the many evils attending the want of concord between yourself and General Cameron. But Her Majesty's officers, however high their position, are subordinate to the General commanding the troops. Far more mischievous than any disadvantage which could arise from a want of easy communication between the Colonial Minister of Defence and the officers of the regular forces would be that general disruption of the ties of discipline which must result if the officer in command of Her Majesty's forces should cease to control and direct the proceedings of his subordinate officers. I think, therefore, that you should have discontinued any communication of the civil authorities with the military subordinates of General Cameron to which that officer declared himself opposed. Such communications must pass between yourself and the officer in command of the troops, or if any other arrangement is made, that arrangement must have his concurrence.

But of all the questions which have been raised between you by far the most important is that of the removal of a portion of the troops. It was upon a full consideration of your despatches, and of the representations made to them on the part of your Ministers and of the Assembly, that Her Majesty's Government in February arrived at the conclusion, that if affairs in the Colony remained unchanged five regiments might safely be withdrawn. This decision was made known to you by me and to General Cameron by the Secretary of State for War, and to him as the officer commanding Her Majesty's forces in the Australian Colonies, instructions were sent by Lord de Grey for carrying that decision into effect. Inasmuch, however, as it is not possible to issue peremptory orders at the distance of half the globe, with an interval of from four to five months between the writing of a despatch and the receipt of a reply, a latitude was given to him to suspend the execution of those instructions in case of any unforeseen emergency which might render their suspension necessary. It was not intended that the undertaking of new operations at Taranaki should constitute that necessity. On the contrary, you had transmitted to me the request of your ministers that the whole force should be withdrawn; and in your despatch of 7th January, received by me in March, you enclosed a memorandum from them, from which I extract the following words:

“Ministers believe their policy to be in conformity with the views of the Imperial Government, and they see no reason at present to prevent its being carried into effect. Whatever risk may attend it (and it is impossible that at any time it could be absolutely free from risk), they consider that it may be undertaken now with as little danger as under any circumstances likely to arise for many years to come. There may be partial disturbances, there may be imaginary alarms; the timid and those who have largely benefited by the presence of troops will raise the usual outcry. But it is hoped that the war in Waikato has practically come to an end. His Excellency has, by the advice of his ministers, and as they understand fully concurring, issued a proclamation, a copy of which is enclosed, which is virtually a declaration of cessation of active operations, at least in the Waikato, a district is now occupied in strong positions by no less than 2,500 military settlers, armed, organized, and capable of self defence. The operations at Taranaki, which at present it is intended should be confined to the opening of roads through rebel districts, the occupation of one or more strong positions, and the establishment of self-defending settlements, may be carried on with a local force, which when the troops are withdrawn the Colony must supply.”

I think, however, that under the actual circumstances of the case, General Cameron exercised a sound discretion in deferring to your authority, and delaying the execution of his orders in compliance with your desire so forcibly expressed. I think also you were right in stating so plainly and so decidedly as you did the objection you entertained.

The question remains whether you were right in entertaining it. Upon this question your despatches give me no sufficient information. Those of General Cameron to the Secretary of State for War enclose the correspondence which has passed between him and yourself. But I have not the materials for reconciling the course which you have now thought it necessary to pursue with your instructions or with the policy of your Government. I cannot suppose that the delay which you have interposed is intended to be of more than very brief duration, or that when this despatch shall reach you the removal of the troops will not have already made considerable progress, unless indeed, some entire change shall have taken place in the circumstances of the Colony, and dangers shall have arisen of which at present Her Majesty's Government can entertain no just apprehension, from the reports either of yourself or of the General in command.

I trust that the next mail will bring me a report of the meeting of the Assembly and of the arrangement made for the colonial contribution in respect of such troops as it may be desired to retain. I trust it will inform me also that the recent draughts on the military chest have ceased, and the amounts already drawn have been repaid.

I have, &c.

Governor Sir George Grey, K.C.B.,

(Signed)

EDWARD CARDWELL.

&c. &c. &c.

No. 13.

No. 13.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 74.)

SIR,

Downing Street, September 20, 1865.

I HAVE the honour to acknowledge the receipt of your despatch, No. 84* of the 10th of July, enclosing for my information a copy of a letter which you had addressed to the chief William Thompson with a copy of his reply.

I have, &c.

Governor Sir George Grey, K.C.B.,

(Signed)

EDWARD CARDWELL.

&c. &c. &c.

No. 14.

No. 14.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 75.)

SIR,

Downing Street, September 21, 1865.

I HAVE the honour to acknowledge the receipt of your despatch, No. 90* of the 14th July, enclosing for my information copies of certain letters which show that war parties were moving at several points, and that an attack has been made by the fanatics on the friendly natives on the east coast.

I have, &c.

Governor Sir George Grey, K.C.B.,

(Signed)

EDWARD CARDWELL.

&c. &c. &c.

Copy of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B. (No. 76.)

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No. 15.

SIR, Downing Street, September 22, 1865.

I HAVE received from Earl de Grey and forward to you the enclosed despatch from General Cameron, respecting the purchase at Waitotara; and request you will have the goodness to furnish me with your report upon the subject of that purchase.

Sir D. Cameron,
7th July,
No. 136.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL,

Sir D. CAMERON to the SECRETARY OF STATE FOR WAR.

(No. 136.) Head Quarters,
MY LORD, Auckland, July 7, 1865.

I HAVE the honour to forward to your Lordship a copy of a letter from Sir George Grey, dated 9th ultimo, and copy of my reply thereto, relative to a remark made by me in a private note to his Excellency on the subject of the purchase of the Waitotara block.

But for the correspondence which Sir George Grey himself has originated I should not have thought it necessary to trouble your Lordship on such a subject, but I now think it right to communicate to you the account of the purchase of the Waitotara block I received at Whanganui soon after the commencement of military operations in that district.

Until recently the Kai-iwi formed the northern and eastern boundaries of the settlement of Whanganui, though as far back as the year 1859 negotiations had been opened with the natives for the purchase of the land lying between the Kai-iwi and Waitotara rivers which is called the Waitotara block.

In the first agreement for the purchase of the block, in which Mr. M'Lean acted on behalf of the Government, the natives reserved certain portions for their own use, which was agreed to on behalf of the Government, and 500*l.* was paid to the natives as earnest money. Before, however, the purchase was completed objections were made by the agent of the Government to the large extent of the native reserves, though they had been clearly defined when the money was paid on account, in consequence of which the natives brought in the 500*l.* to Whanganui desiring to return it, and be off the bargain, but this was declined by the Government agent.

In November 1860, after the war had broken out at Taranaki, Colonel Browne, then Governor of the Colony, very properly put a stop to further negotiations on account of the unsettled state of the district.

No further steps were taken in the matter until September 1862, when Dr. Featherston, Superintendent of the Province, in treaty with a chief named Rio, and another chief, made a second agreement with certain natives, by which the extent of the reserves was reduced, but without the consent of some of the natives who had signed the first agreement. (The names of the natives who signed each agreement are given in the papers which have been published on the subject in the blue book, and which I herewith enclose.)

The purchase of the block was finally completed by Dr. Featherston in July 1863, after the recommencement of hostilities at Taranaki, and when the greater part of the Northern Island was in a state of insurrection. The land was then hurriedly sold without the usual notice by advertisement to a few speculators in Wellington at ten shillings an acre, the sum realized being 13,000*l.*, the amount paid to the natives being 2,500*l.* Hare Tipene and other chiefs protested against the sale at the time, and gave warning that they would oppose by force any attempt on our part to occupy the reserved land.

The Government, anticipating opposition to the occupation of the block, commenced a road from Whanganui to the Waitotara, with the object of facilitating the military operations which they foresaw would result from the disputes about the purchase of the land. To the construction of this road the natives made no serious opposition until it reached the boundary of a section of the land reserved by the natives under the first agreement, and known as Hare Tipene's reserve. In it the Wererou Pah was constructed as a protest against the further continuance of the road, and on its border the village of Nukumaru is situated. It was not until the troops entered this village that their advance was opposed by the natives, and on that occasion a severe engagement ensued between them.

Previous to this, on the 20th January, after large reinforcements had arrived at Whanganui, and when the natives saw that hostilities were inevitable, they put the chief Rio to death as a punishment for the prominent part he had taken in the sale of the Waitotara block without the authority of all the owners. A murder of this kind is so unusual a measure for the natives to resort to that it may be inferred from it that they had some valid grounds for their opposition to the sale of the land. Moreover the Waitotara natives had always been a loyal tribe and well disposed towards the settlers, and it was a very unwise measure to take forcible possession of the land, after they had so strongly protested against it, until some inquiry into the particulars of the purchase had been instituted.

It was in riding into Whanganui a day or two after the engagement at Nukumaru that I received the above account, the truth or falsehood of which I had no means of ascertaining; but my informant was a very respectable settler, who had been a long time in the country, and appeared well acquainted with the history of the transaction.

It is not surprising that I should have alluded to the subject at the time in my private correspondence with the Governor, but it is a matter of some surprise that instead of formally referring it to his

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responsible advisers, as appears by his letter of the 9th June, his Excellency did not at once satisfy himself regarding the merits of a question which so immediately affected the prolongation of the war, and this is the more strange as, if the account I received be correct, the purchase of the Waitotara block was a very similar proceeding to that of the Waitara, which Sir George Grey had so severely condemned.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut. General.

Sir GEORGE GREY to Sir D. CAMERON.

SIR,

Government House, Auckland, June 9, 1865.

IN a private letter to me, dated the 28th January last, you wrote to me as follows:

"Since I have been in this part of the world I have made inquiries about the purchase of the Waitotara block, and have reason to believe that it was a more iniquitous job than that of the Waitara block. I am not surprised that the natives have opposed our roadmaking. The Government at home ought to be made acquainted with the true history of the business."

Upon the receipt of your letter I felt that I ought not to rest under the imputation of holding back any information from Her Majesty's Government, I therefore immediately requested my responsible advisers to appoint a commission to inquire into any facts which rendered it probable that the purchase of the Waitotara block of land was an "iniquitous job."

They inform me that they have made all the inquiry they can, and find no grounds whatever for thinking that the purchase of the Waitotara block was a job. That they are most anxious to appoint a perfectly independent commission to examine into any complaints in regard to the purchase of this block of land, but that they have no such complaints before them, and do not know what points they should direct the commission to inquire into.

As I am very anxious to do justice in this matter, to do my duty to the Home Government, and to keep nothing back from them of which they should be informed, I should feel very much obliged to you if you would inform me of the nature of the inquiry you made about the purchase of the Waitotara block, what are your reasons for believing that it is an iniquitous job, and upon whose information your opinions were founded.

Immediately I am in possession of this information a full inquiry shall be instituted into the whole matter, and ample justice shall be done, as the state of the country will now I believe shortly permit of such proceedings being carried out.

The Hon. Lieut. General Sir D. Cameron, K.C.B.,
Head Quarters.

I have, &c.
(Signed) G. GREY.

Sir D. CAMERON to Sir G. GREY.

SIR,

Head Quarters, Auckland, June 12, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 9th instant relative to a remark in a private letter I addressed to you on the 28th January last.

It is no part of my duty to collect information for your Excellency on such a subject as the purchase of the Waitotara block, regarding which you have ample means of obtaining all the information you require, and I therefore decline entering into any correspondence with your Excellency on the subject.

I will now, however, make Her Majesty's Government fully acquainted with the information on which the opinion expressed in my private letter of the 28th January was founded.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut. General.

PAPERS relative to the purchase of the Waitotara Block, Province of Wellington.

No. 1.

Extract from letter from Chief Land Purchase Commissioner to the Honourable the Colonial Treasurer.

SIR,

Napier, May 25, 1859.

AN instalment of 500*l.* has been paid on account of a block of land containing about 30,000 acres, offered for sale by the Ngurauro natives at Waitotara. I found it necessary to make this advance with some degree of promptitude, and before survey, as great exertions were being made by the Ngatiruanui natives to resist the sale, and have the land handed over to Potatau.

I obtained from the Provincial Government the assistance of Mr. Porter, their surveyor, to survey the external boundaries. Mr. Henry Halse was to remain with him until the work was fairly in operation, and as it appeared that Mr. Halse's services would shortly be again required at Taranaki, I employed Mr. Samuel Deighton, at a salary of 10*s.* a day, to act as interpreter, and assist Mr. Porter while the work lasts.

The Honourable the Colonial Treasurer, &c.
Auckland.

I have, &c.
(Signed) DONALD M'LEAN.

Enclosure to No. 1.

(Translation.)

We have received, this 11th day of May 1859, five hundred pounds (500*l.*), being the first instalment for Waitotara. We are to receive the balance for the land when the survey is completed and the following boundaries have been marked off, Kai-iwi, thence inland as far as Waitotara. Our having received the money is a guarantee of the cession of this land to the Government of New Zealand. In token of our agreement we have hereunto subscribed our names.

(Signed)

APERAHANA PAREA.
HARE × TIPENE.
PIRIPI × POURA.
HOROPAPERA ×
RENPENE ×
HI KATENE × TE KUIHI.
APERANEKO ×
REIHANA × TERAKUKU.
PEHIMANA × KAITANA.
THAIA × TE HOKOITI.
HEREMAIA × TORANGI.
NOHONA × TU TE KONUKU.
MOTUARAMA ×
APERA × PAREA.

Witnesses to signatures.

(Signed)

EDWARD THOMAS BROUGHTON.
ALEX. CATHRO.
EDWARD LEWES.
HENRY HALSE, Assistant Native Secretary.

No. 2.

Mr. S. DEIGHTON TO CHIEF LAND PURCHASE COMMISSIONER.

SIR,

Whanganui, February 1, 1860.

I HAVE just returned from Waitotara, where I have been for the last week or so with Mr. Stewart. I am sorry to say that the Maories are asking for much larger reserves than I had any idea they would have done; but I think I can manage them all, with the exception of one, which is so extravagantly large that I could not let it pass without referring to you. It extends from a pa called Perekamu, being bounded on the inland side by a stream called Ohie, and on the other side by the Waitotara river, taking in fact the whole of the river frontage up to the boundary line at Karewarewa, probably about five miles. I told the natives that they should have reserves where their pas were situated, but I could not think of letting them have the whole block. They are very stubborn about it at present, but a letter from you would do a great deal of good. I have explained to them that I am simply acting under your instructions, and that whatever I did would be sanctioned by you. Hare Tipene and Te Kapa have told them the same. I am now commencing the other reserves, leaving that at Perekamu an open question till I hear from you, which I hope will be as soon as possible. In the meantime I shall write now and then, and let you know how affairs are progressing. I am sorry to say that a great deal of mischief has been done by some foolish meddling people informing the natives that they have only to receive 500*l.* in addition to what they have already got. Perhaps it would be as well if you alluded to the report in your letter to disabuse them of the idea.

Donald McLean, Esq.,
Chief Land Purchase Commissioner.

I have, &c.
(Signed) S. DEIGHTON.

No. 3.

ASSISTANT NATIVE SECRETARY TO Mr. S. DEIGHTON.

Native Secretary's Office, Auckland,
March 20, 1860.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 1st ultimo, reporting as to the reserves which the natives wish to be made in the Waitotara block, and to inform you that it has been referred to Mr. Commissioner McLean for his information.

I have, &c.

(Signed) THOS. HENRY SMITH,
Assistant Native Secretary.

Mr. S. Deighton, Whanganui.

No. 4.

Mr. S. DEIGHTON TO CHIEF LAND PURCHASE COMMISSIONER.

SIR,

Whanganui, April 28, 1860.

I BEG to enclose a statement from Mr. Stewart, of the quantity of land at Waitotara, and the description of the same. Aropheta's reserve at Kai-iwi, as I mentioned before, will I believe be sold

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when this purchase is concluded; and Piripis land at Pakaraka is held back for the present for the same reason. I also enclose a letter from Te Mutumutu "Topia," for his Excellency, which he requested me to forward. I beg to state that according to your instructions I proceeded to Waitotara, and have been amongst them a great deal since. Their impression was that the Europeans were hostile to them, but I think I have done away with that in a great measure by going among them, and inducing them to come to town as often as possible, when they might see that nothing wrong was in contemplation against any of the friendly disposed natives. I also went to Rangitikei, and attended a large meeting at Parewanui, at which Mr. Taylor and Mr. Searancke were present. The natives about there are I am sure quite friendly, but have been sadly gulled and frightened by those absurd reports about the erection of barracks in different parts of the country, and sending soldiers to the outlying districts, and so forth. I took the opportunity of being at Rangitikei to go to the different pas on that river, and with the exception of a few quarrels among themselves about land, they appear to be quite quiet and well disposed. The general impression among the natives of the whole of the Whanganui district, I think is, that as long as the war is against Wiremu Kingi about the land at the Waitara, and against the Ngatiruanui (with whom there is no sympathy whatever on account of the murders), and does not merge into the King movement, there is no cause whatever of any fear of an outbreak in these parts. I don't know whether Mr. Searancke's opinions coincide with mine on this subject, but as I have been in constant communication with the natives for some time past, and as they place some faith in me, I think I am not wrong in stating that this information may be relied upon.

The settlers here have enrolled themselves into a volunteer corps, and I believe the militia is also to be called out. I did not intend going at first, thinking that my presence might be required elsewhere; but on second thoughts I altered my opinion, as I should be better able to explain to the Maoris the cause of the enrolment, and by my being with them as much as possible to do away with any fears on their parts, as these affairs are always exaggerated. There will be a meeting this evening to appoint officers, and I believe it is the intention of the settlers to appoint me as one of them. I explained the same to Hare Tipene yesterday, who seems very much pleased with it, on the grounds just mentioned by me. Of course I shall take every opportunity of being with the natives, and endeavour to keep everything upon as friendly a footing as possible, and I think more good is done in this way than by calling formal meetings and stating your opinions at them, as they are more inclined to listen to a little quiet talk, and will reason with you better than when they are excited. The Waitotara natives held a meeting the other day about the price of the land. They would not fix any price, but want it to be paid for by the acre. I told them I was sure you would not agree to that, but that I would write and inform you of their request. I did not enter more than I could help into the affair, on account of the disturbed state of the country, and thinking you might wish to postpone the payment till a more fitting time. You will, however, I suppose let me know whether these are your intentions.

D. McLean, Esq.,
Chief Commissioner Taranaki.

I have, &c.
(Signed) S. DEIGHTON.

Enclosure to No. 4.

MR. JOHN P. STEWART TO MR. S. DEIGHTON.

SIR,

Whanganui, April 28, 1860.

FOR your information, in connexion with the Waitotara block of land, I subjoin the following: The native reserves retained on the bank of the Waitotara river are four, viz.:

	A.	R.	P.
1. At Ihupuku	29	0	0
2. At Kaipo	201	1	0
3. At Perekamau, the river frontage of which has not been surveyed, about	925	0	0
4. At Aurou	137	0	0
The others reserves are,—			
5. At Manere	58	1	0
6. At Nukumuru	1,223	0	0
7. At Piripi's reserve and the adjoining reserve at Pakaraku	4,348	0	0
8. At the Okehu stream	380	0	0
Total	7,301	2	0

The land in these reserves is mostly of a valuable quality.

The whole of the land upon the Whanganui side of the Okehu stream being also retained, there are left in the portion now offered for sale 24,900 acres, of which however 7,500 acres consist of sand hills of little value, they being nearly barren, with patches of scrub and toetoe, &c., only here and there.

This leaves 17,400 acres, whose value is much lessened by the occurrence of the foregoing reserves in different portions of the block, destroying in a great measure its unity.

Of this quantity more than one half is open fern land of a good description, the remainder being bush land, the timber upon which is not of much value, there being little of it fit for sawing.

The soil of both the open and the bush land is of a very superior description in general, but the portion adjoining the sand hills and the coast line, having a light sandy soil, is better adapted for grazing purposes than for cultivation.

I have, &c.
(Signed) JOHN P. STEWART, Surveyor,
Native Land Purchase Department.

S. Deighton, Esq., Whanganui.

No. 5.
The CHIEF LAND PURCHASE COMMISSIONER to Mr. S. DEIGHTON.

SIR,

Native Land Purchase Department,
Auckland, November 14, 1860.

IN reply to your letter of the 28th April last, enclosing a statement of the quantity and description of land at Waitotara by Mr. Stewart, I have the honour, by direction of his Excellency the Governor, to inform you that it is not intended to take any steps in reference to the pending negotiations at Waitotara during the present unsettled state of the district.

S. Deighton, Esq., Whanganui.

I have, &c.
(Signed) DONALD McLEAN,
Chief Commissioner.

No. 6.

The SUPERINTENDENT, Wellington, to the Hon. the COLONIAL TREASURER.

SIR,

Superintendent's Office,
Wellington, September 4, 1862.

I HAVE the honour to request that you will be pleased to authorize an advance to me out of the Land Purchase Loan of the sum of two thousand pounds to complete the purchase of the Waitotara block, and of the further sum of one thousand pounds to complete the purchase of the various blocks in the Wairarapa, and to defray the expenses of the necessary surveys.

The Hon. the Colonial Treasurer,
Auckland.

I have, &c.
(Signed) J. E. FEATHERSTON,
Superintendent, Land Purchase Commissioner.

MR. CARKEEK,

WILL you make the necessary advance to Dr. Featherston out of the balance of the Land Purchase Loan still to the credit of the province of Wellington?

September 14, 1862.

(Signed) READER WOOD.

No. 7.

EXTRACT from a letter, the Superintendent of Wellington to the Colonial Secretary, dated July 7, 1863.

You are aware that negotiations have been pending for some years for the purchase of the Waitotara block; I am happy to inform you that the purchase was completed on the 4th instant, when I paid the final instalment of 2,000*l*. There are of course some who not only deem it impolitic to pay such a large sum at present to the natives, but openly declare that they will expend the whole of it on the munitions of war. Previous to my handing it over, Piripi and Rio, the two chiefs authorized by the sellers to receive and distribute it, intimated to the meeting (at which some 50 were present) that they did not intend to touch it for some considerable time, until they knew what had become of their friends who had gone to Taranaki. This announcement met with a most hearty response from all the natives, with the exception of two or three, who would not be entitled to more than a few pounds. I then took Piripi and Rio over to the bank and gave them the 2,000*l*. They immediately paid me back 100*l* for 200 acres which I had agreed they should be allowed to purchase; and then, after considerable higgling with the manager about the rate of interest, they took a deposit receipt for 1,900*l*. (made out in their own names) for three months certain, intimating that in all probability they would not want the money for six months. I think you will agree with me that this fact speaks volumes, and is worth any number of official reports as to the state of the native feeling in this district. The settlers cordially acknowledge that the acquisition of this block adds very materially to the security of the settlement.

TRANSLATION.

DEED of Purchase of the Waitotara block.

This deed, written on this 4th day of July in the year of our Lord 1863, is a full and final sale, conveyance, and surrender by us the chiefs and people of the tribe Ngarauru whose names are hereunto subscribed, and witnesseth that on behalf of ourselves, our relations, and descendants, we have, by signing this deed, parted with and for ever transferred unto Victoria Queen of England, Her Heirs the Kings and Queens who may succeed Her, and Her and their assigns for ever, in consideration of the sum of two thousand five hundred pounds (2,500*l*.) agreed to be paid to us, of which sum of two thousand five hundred pounds (2,500*l*.), five hundred pounds (500*l*.) was paid us by Mr. D. McLean, on the eleventh day of May 1859, and the balance of two thousand pounds has been agreed to be paid to us by Isaac Earl Featherston, Land Purchase Commissioner (on the due execution of the present deed). All that piece of land situated between the Okehu stream and the Waitotara river, the boundaries whereof are set forth at the foot of this deed, and a plan of which land is planned on the back of this deed, with its rivers, trees, minerals, lakes, streams, waters, and all appertaining to the said land, or beneath the surface of the said land, and all our right, title, claims, and interest therein, to hold to Queen Victoria, Her heirs, and assigns, as a lasting possession, absolutely and for ever. And in testimony of our consent to all the conditions of this deed, we have hereunto subscribed our names and marks, and some of us have also signed our names on the plan on the back of this deed. And in testimony of the consent of the Queen of England on her part to all the conditions of this deed, the name of Isaac Earl Featherston, Land Purchase Commissioner, is hereunto subscribed, and also on the plan.

These are the boundaries of the land sold by us:

The southern boundary is the sea from the mouth of the Okehu to the mouth of the Waitotara river, the north-western boundary is the Waitotara river from its mouth to the commencement of Porter's

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Line at Karewarewa; the northern boundary is Porter's Line from Karewarewa to the Okehu river; and the eastern boundary is the Okehu river from Porter's line to the sea. Those portions of land coloured red on the map on the back of this deed are not included in the present sale.

The boundaries of the portions of land remaining sacred to us are as follows:

1. The first is called Okehu, situate on the banks of the river Okehu, and estimated to contain (380) three hundred and eighty acres, surveyed by Mr. Stewart, assisted by Te Peira; their survey poles are also erected.

2. The second, named Pukaraka and Puke Ngaio. The upper boundary of this piece of land is Mr. Porter's line. The lower boundary was surveyed by Mr. Porter, assisted by Piripi and others. The side lines were surveyed by Mr. Stewart with Piripi and others. The survey poles on one side were erected by Piripi and Hare; those on the south-eastern side were erected by Rihari and Motnarama. This block contains (3,300) three thousand three hundred acres. This block was formerly of larger dimensions, but has now been reduced by Dr. Featherston. Mr. Porter and Piripi laid off the line reducing it, viz. the lower boundary line.

3. The third, named Nukumarū. This block was surveyed by Mr. Stewart assisted by Hare and Himiona, and their survey poles are standing. The pole in the Lake (Waikato) was erected by Hetaraka. The block is estimated to contain (1,223) one thousand two hundred and twenty-three acres.

4. Maneene was surveyed by Mr. Stewart, assisted by Piripi and Horopapera; their survey poles also are erected; it contains (58) fifty-eight acres.

5. The fifth, named Maraeton, situate on the banks of the Waitotara river, surveyed by Mr. Porter, with Pirimona and Hakaraia; they erected the survey poles. This piece is estimated to contain (29) twenty-nine acres.

6. The sixth, named Perekama, situated between the Waitotara and Ohie rivers. Mr. Stewart, assisted by Hetaraka and Hare, surveyed this block, and erected the poles on the Ohie side; Rio, Ihaka, and Hona erected the poles on the Waitotara side. It is estimated to contain (925) nine hundred and twenty-five acres.

7. The seventh, named Auroa. The boundaries of this block were surveyed by Mr. Stewart, assisted by Kereti and Tiritiū; their survey poles are erected on the southern side. The Waitotara river is the boundary towards the south-east. It contains (137) one hundred and thirty-seven acres.

(Signed)	PIRIPI RAIKAWHATA.	WETA TE KIAN.
	HOROPAPERA TE PEKA.	HEREMIA TERAPAHIKU.
	HINTATA MORAMIU.	HAPIMANA TE ONENUKU.
	RIMITIRIU HUAL.	MOTU TE IKA.
	KO TE PEINA HURA.	NATANA.
	KO MAKI TAIAPIPI.	WERAPIKO X TAIPUHI.
	PARAMENA X TU MANKI.	REUPENA TE TAURIA.
	HOHEPA TE URI.	APERANIKO RANGITUKITIA.
	NEHO TEKA.	HERORIA.
	HEREMAIA X IO RANGI.	HOANI X METI.
	TAIMONA X TAMAIUKIA.	ERANA TE AO.
	RORA X AWEN HURU.	RINHI X
	RIO HEVENTARANGI.	ARETI X KOHI.
	HORI X KINGI TE ANANA.	TE NAEROA.
	HORI KEREL X	WIRIHANA TE RANPO.
	PEHIRA REHUA.	J. E. FEATHERSTON (Te Petitone).
	TIMOTI X REHETAKAO.	

Witness to the signatures and marks on this deed.

(Signed) CHARLES W. BROUGHTON.

We two, the men appointed by all the council of Waitotara and Wanganui to receive the payment for this land (i.e. Waitotara), do acknowledge the receipt on this fourth of July one thousand eight hundred and sixty-three (1863) of the sum of two thousand pounds (2,000L.), being the balance due to us for this land, and the full consideration money expressed in the deed on the other side, to be paid by J. E. Featherston to us on behalf of Her Majesty Queen Victoria.

(Signed) PIRIPI RAIKAWHATA.
RIO HENEARANGI.

Witness to the payment of the above-named two thousand pounds (2,000L.)

(Signed) CHARLES W. BROUGHTON.

No. 16.

No. 16.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 77.)

Sir,

Downing Street, September 23, 1865.

23d Sept. 1865.

I HAVE the honour to enclose to you a copy of the instructions which the Secretary of State for War is sending to New Zealand by the present mail. They are addressed to the Officer commanding Her Majesty's troops, as it is believed that General Cameron will have left the Colony on the receipt of the permission to do so, which was sent to him by the mail leaving London in April, in compliance with his own request.

Her Majesty's Government desire that, if you have not already done so, you will at once take every step which may be proper on your own part for enabling the officer commanding the troops to give effect to his instructions with respect to the five regiments. They hope that, with the concurrence of your advisers, you will be enabled to do much more, and that the declared policy of the New Zealand Ministry will be carried into full and complete effect by the early withdrawal of the whole force.

Your ministry was formed upon the principle of the early withdrawal of Her Majesty's troops from the Colony. That principle was accepted by yourself and by the Assembly. Her Majesty's Government cordially approved it. The Secretary of State for War forthwith issued instructions which, so far from being repugnant to that approval, were directly in pursuance of it. They instructed General Cameron at once to withdraw five regiments, and if he should learn from you that it was the desire of the Colonial Government yet further to diminish the force, to take measures for carrying that desire also into effect. The discretion left to General Cameron was so far from being absolute, that, as it was correctly interpreted by himself, it would not have justified his retarding in any degree the immediate execution of his instructions. It was in deference only to your own authoritative protest that he reluctantly consented to the delay which has actually occurred. This circumstance was, I presume, known to your ministers. I am unable, therefore, to explain, and you do not assist me to explain, their minutes forwarded to me in your Separate despatch. Some misunderstanding evidently prevailed at the time when those communications were addressed to you, and I do not now discuss them, because I cannot but believe that I shall soon hear that that misunderstanding has been dispelled.

You will take care that your Ministers and the Assembly clearly understand that there is no change in the views of Her Majesty's Government. Having accepted with cordial satisfaction the resolutions passed by the Assembly of New Zealand in December last, their desire is that the policy embodied in those resolutions may be completely carried into effect.

I have, &c.
(Signed) EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

Enclosure in No. 16.

SIR, War Office, September 23, 1865.

I AM directed by the Secretary of State for War to transmit to you, for the information of Mr. Secretary Cardwell, the accompanying copy of a Despatch which Earl de Grey has addressed to the Officer commanding the troops in New Zealand on the subject of the withdrawal of the troops from that Colony.

I have, &c.
(Signed) EDWARD LUGARD.

Sir Frederic Rogers Bart.

SIR, War Office, September 23, 1865.

I HAVE considered the correspondence which has passed between the Governor of New Zealand and Lieutenant General Sir D. A. Cameron respecting the withdrawal of 5 Regiments from the Colony. I informed the Lieutenant General by the last mail that I approved of his having suspended, in deference to the decided protest of the Governor, the execution of the instructions he had received from me. But Sir D. A. Cameron himself interpreted those instructions rightly, and Her Majesty's Government regret that any delay should have been allowed to take place in carrying them into effect. My instructions on this subject still remain in force, and you are directed to take immediate steps for carrying them out in the absence of any emergency unforeseen by me which would render the withdrawal of the troops dangerous to the safety of the Colony.

I hope also that the action of the Governor under the instructions for the Secretary of State for the Colonies will enable you still further to reduce Her Majesty's Force in the Colony.

P.S.—You will be careful that the Governor is made aware of this and every other instruction from me bearing upon the subject.

I have, &c.
(Signed) DE GREY and RUPON.

The Officer Commanding Her Majesty's Forces.

No. 17.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 78.)

SIR, Downing Street, September 25, 1865.

I HAVE now received, and forward to you, the answer of the Secretary of State for War to whom I communicated your Despatch of May 23d, No. 73.*

H h

No. 17.

20th Sept. 1865
with General
Cameron's
Despatch of
5th July.

* Page 105.

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ZEALAND.

Officers commanding Her Majesty's troops in the colonies are required to report to the Secretary of State for War, not through the Governor, and consequently through this Department, but directly; and in the 195th section of the Rules and Regulations of Her Majesty's Colonial Service, the following provision is made for cases in which the officers may think it incumbent upon them to make reports affecting the Governor of the colony, or the Orders given by him.

"The respective officers employed under the War Department are in all cases, without exception, to give timely notice to Governors of any communications which they may intend to send home affecting such Governors or the orders given by them, so that Her Majesty's Government may be simultaneously made acquainted with the opinions of the Governors as well as those of the officers in question on any matter on which it is requisite that the views of both should be known."

It is much to be regretted that this regulation was not observed by General Cameron, and that copies of the Despatches in question were not sent to you by him before the Despatches themselves were sent to Earl de Grey. One of the mischievous consequences of this departure from the rules of the service, on his part, probably has been that you, not unnaturally, have suspected that reports had been made by him unfavourable to yourself and your ministers, to a greater extent than you will find to have been the case.

At the same time, however, I must observe that the following Circular instruction was issued in 1858 by my predecessor in this office, viz.:

"When the Civil Governor of a colony shall have occasion to report upon, or bring under the consideration of the Secretary of State for the Colonies proposals involving military as well as civil considerations or questions which can only properly be decided by the Secretary of State for War, or with the concurrence of the two Secretaries of State, the Governor will, in that case, first communicate with the officer commanding the troops on such proposals or questions, and having obtained that officer's opinion or observations thereupon, he will transmit the same with his own report to the Secretary of State."

After informing the Governors of Colonies that corresponding instructions had been given by the Secretary of State for War to officers commanding Her Majesty's troops in the colonies, my predecessor says—

"Attention to these instructions will lead to promptitude in the decision of questions of a mixed nature, and render much of the preliminary correspondence which now too often takes place, unnecessary."

If, as soon as you knew that in the opinion of the officer commanding the troops your measures respecting the confiscation of land would render the early withdrawal of any portion of the troops impossible, you had acted upon this instruction, your opinions might have been sent home several months ago, with those of General Cameron, and with your report upon his observations. Much of the mischief which has occurred in New Zealand might have been avoided, and Her Majesty's Government might have decided the difference of opinion between you, with full information, and with promptitude.

I trust that by a careful attention to the regulations of the service that risk of evil consequences which you have yourself pointed out as likely to result from the communication of imperfect or erroneous information to Her Majesty's Government will in future be averted.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Enclosure in No. 17.

SIR,

War Office, September 20, 1865.

I AM directed by the Secretary of State for War to acknowledge the receipt of your letter of the 25th ultimo, enclosing the copy of a Despatch from Governor Sir George Grey dated May 23d, 1865, No. 73.

In that Despatch Sir George Grey appears to question the right of a general officer in the position of Sir Duncan Cameron to furnish the Secretary of State for War with any information that he thinks may be useful to Her Majesty's Government regarding the management of affairs in a colony, as far as they relate to the manner in which the troops are employed, unless the Despatches containing such information are forwarded through the Governor of the Colony.

I am to request that you will inform Mr. Cardwell, that after a careful consideration of the subject Lord de Grey is unable to acquiesce in the views entertained by Sir George Grey.

It appears to his Lordship to be essential that a general officer at the head of a large body of Her Majesty's troops engaged in operations in the field, and responsible to Her Majesty's Government

both for the successful conduct of those operations, and for the expenditure incurred on account of them, should communicate freely with the Secretary of State for War, under whose orders he acts, and should explain fully the grounds of his proceedings, and the results which he expects from them.

In order to do this it will often be necessary to point out the military consequences of the measures taken by the colonial authorities, and to state fully the manner in which they are likely to affect the operations in the field and the expenditure incurred for military purposes.

In the case of the New Zealand war this necessity could not fail to arise, as Sir D. Cameron's operations, and the amount of force required for them, have all along been determined more by the extent of territory which the colonial authorities have thought it advisable to occupy than by the numbers of the rebel natives in arms.

A careful perusal of Sir Duncan Cameron's Despatches proves, in Lord de Grey's opinion, that he has not assumed to himself any latitude inconsistent with the high position which he fills, while a comparison of these Despatches with those of other general officers in similar circumstances, shows that they are not inconsistent with the usual practice of the public service.

Sir D. Cameron has been intrusted with no unusual powers, either as regards his position in relation to the Governor, or in any other respect. He has the same rights and the same duties as any other general officer commanding a large body of Her Majesty's troops engaged in active operations in the field and Lord de Grey does not consider that it would be desirable to restrict his free communication with the Secretary of State for War, to whom he is responsible, or to require him to forward any portion of his correspondence through the Governor of the Colony, who is not in communication with the Secretary of State for the War Department, and can receive no orders from him.

Sir D. Cameron ought, however, in accordance with the Horse Guards circular letter dated February 1859, to have furnished the Governor with duplicates of any Despatches addressed by him to the Secretary of State for War other than those relating to discipline and military routine. Lord de Grey had no reason to suppose that Sir Duncan Cameron was unaware of this rule, and was not in the habit of acting upon it; but as it appears from the present correspondence, and especially from a letter received by the last mail from Sir Duncan Cameron, dated 5th July last, that he is not acquainted with the contents of the Horse Guards letter, his attention will be at once specially drawn to it, and he will be directed to conform to its provisions.

Sir Duncan Cameron has already been requested by the mail of the 26th August last to furnish Sir George Grey with copies of certain Despatches therein referred to, together with any other Despatches bearing on the same subject which Sir Duncan Cameron may have addressed to Lord de Grey.

With respect to the private letter from Sir Duncan Cameron to Sir George Grey, a copy of which the former forwarded to Lord de Grey, and which has given rise to the present unfortunate dispute, I am to remark that a non-official correspondence, which sprung no doubt from the requirements of the public service, has been maintained between the Governor and the General. When Sir D. Cameron forwarded a letter forming part of that correspondence to Lord de Grey he at the same time at once informed the Governor that he had done so, and it appears to Lord de Grey that if Sir George Grey objected to that step, or to any of the statements contained in the letter, his proper course was to address himself on the subject to the Secretary of State for the Colonies, and Lord de Grey is not of opinion that Sir D. Cameron's transmission of that letter to his Lordship rendered it necessary for Sir George Grey to make known to his ministers the contents of the letter in question, or justified the publication in the colonial newspapers of two memoranda reflecting upon the conduct of the General Officer commanding Her Majesty's troops, measures which could not fail to be fraught with serious risk of injury to the public service.

I have, &c.
(Signed) EDWARD LUGARD.

Lieut. General CAMERON to the SECRETARY OF STATE FOR WAR.

No. 131.

MY LORD,

Head Quarters, Auckland, July 5, 1865.

I have the honour to forward copies of a correspondence between Sir George Grey and myself, relative to my furnishing his Excellency with copies of my Despatches to your Lordship of January last.

I beg to acquaint your Lordship that I declined to comply with his Excellency's request because the information required by Her Majesty's Government was expected from the Governor himself in April last, and I could not see what benefit to the public service was likely to result from my furnishing his Excellency with copies of Despatches written so long ago as January, and in regard to which his explanation could not reach the Government before September.

On the other hand, the unpleasant relations existing between the Governor and myself rendered it advisable that all occasion of unnecessary correspondence between us should be avoided; his Excellency moreover had asserted the right to be furnished with copies of my Despatches to your Lordship, and to communicate them to the Colonial Ministers, and after the memoranda that had passed between them relative to my private letters, and which were printed in the public newspapers, it was impossible for me to foresee what improper use might also be made of my Despatches.

Apart from these considerations, there was nothing, as your Lordship, is aware in the Despatches referred to which I had any reason to apprehend being made public.

I have, &c.
The Right Hon. the Secretary of State for War, (Signed) D. A. CAMERON,
&c. &c. &c. Lieut. General.

Sir G. GREY to Sir D. CAMERON.

SIR,

Government House, Auckland, June 8, 1865.

Mr. Cardwell in his Despatch to me, No. 20 of, the 27th of March, of which he transmitted a copy to you, states that he feels the more difficulty in giving me his opinion on the important question

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of safety because there appears to be a discrepancy between my Despatches and those which you have addressed to the Secretary of State for War, from which it appears that I expect from you services which will render necessary the continued presence in New Zealand, if not indeed the increase, of the present force.

I should feel very much obliged to you if you would supply me with copies of the Despatches to the Secretary of State for War to which Mr. Cardwell alludes, that I may furnish the requisite explanations on this subject to Her Majesty's Government.

The Hon. Lieut. General Sir D. Cameron K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Sir D. CAMERON to Sir G. GREY.

SIR,

Head Quarters, Auckland, 10th June 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 8th instant, requesting me to furnish you with copies of my Despatches addressed to the Secretary of State for War in January last.

I consider it unadvisable under present circumstances to comply with your Excellency's request; but I may add, for your Excellency's satisfaction, that those Despatches contained no information of which you were not in full possession at the time they were written.

His Excellency Sir Geo. Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut. General.

Sir G. GREY to Sir D. CAMERON.

SIR,

Government House, Auckland, June 10, 1865.

In reply to your letter of this day's date refusing to comply with my request to furnish me with copies of your Despatches to the Secretary of State for War which led to the remarks made by the Secretary of State for the Colonies in his Despatch No. 20 of the 27th of March, I have the honour to state that it is of course quite clear that they could have contained no information of which I was not in possession, but I have been required to furnish explanations regarding the statements made by you in those Despatches which I am now unable to do.

I can only leave it to Her Majesty's Government to determine as to whether you are justified in secretly writing to them that which has evidently created a wrong impression in their minds, and in now shrinking from giving me an opportunity of giving explanations regarding my proceedings, which I have been called on to furnish, by refusing to acquaint me with the statements you did not hesitate to make but dare not produce.

The Hon. Lieut. Gen. Sir D. Cameron, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Sir D. CAMERON to Sir G. GREY.

SIR,

Head Quarters, Auckland, June 12, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 10th instant, relative to my refusal to furnish you with copies of my Despatches to the Secretary of State for War of January last.

Looking at the spirit which has actuated your Excellency's proceedings towards me during the last three months, it is a matter of no surprise or concern to me what construction your Excellency is pleased to put upon my actions, but I have little doubt that the Secretary of State for War will approve of the reasons for which I have refused to comply with your request.

His Excellency Sir G. Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut. General.

No. 18.

No. 18.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir George Grey, K.C.B.

(No. 79.)

SIR,

Downing Street, September 26, 1865.

I HAVE received from the Lords Commissioners of the Treasury, and from the War Department, the Despatch and letters noted in the margin, and now enclose copies of them to you.

In my Despatch of 26th September 1864,* writing on the subject of the guaranteed loan, I stated to you that the clear intention of Parliament was, that after the debts then

Treasury,
26th Sept. 1865.
War Office,
24th Aug.
War Office,
25th Aug.
Gen. Cameron,
7th July.

* Vide Papers presented 7th February 1865, page 187.

due from the Colony to the Imperial Treasury should have been discharged no new ones should be incurred.

When my attention was called to the recommencement of the system of advances, I instructed you to discontinue it. If, indeed, the advances had been merely temporary, for convenience of management, and for economy, made on the credit of the Colonial Government, adjusted at the close of every month, and practically involving no addition to the debt, there would have been no necessity for me to object to them. But, neither at that time nor now, though two mails have since arrived from New Zealand, have I had from you information from which I can conclude that such is the case.

It would appear, from your letter of 9th June, that you contemplate that the assistance of the commissariat will for some time be resorted to for the support of military settlers and friendly natives; the advances are not limited to advances in kind, but have been extended to advances of cash, which, as Commissary General Jones remarks, makes the power of the Colony to meet the accounts appear to him very problematical, since, if the money were available, there would be no necessity for cash advances to pay the militia, and, so far as appears, the arrangement entered into for the monthly repayment of all supplies issued to the colonial forces had been superseded by some other arrangements made subsequently, of which no notification had reached the Commissary General. I therefore, cannot, but agree with General Cameron that the question stands at present in a very unsatisfactory position, so far as it is known to me.

Your ministers evince a very just sense of their responsibility to the Assembly of New Zealand. Her Majesty's Government cannot be forgetful of the like responsibility under which they stand to the Imperial Parliament for the expenditure, or the advance, of the monies of the United Kingdom. The limited power of making advances not expressly sanctioned by a special instruction from the Treasury Board, or by the regulations of Her Majesty's military service, which is given to officers in distant parts of the world by the Commissariat Regulations is given to be used only under circumstances of pressing and extraordinary emergency affecting the safety of the community, and must not be used except so far as the necessity thence arising may render absolutely inevitable. To draw upon the military chest for the payment of the ordinary expenditure of the colonial forces is not a case falling within this exception. Advances for any such purpose are not likely to be sanctioned at all by Her Majesty's Government, but if they were, it would be their manifest duty to obtain the previous sanction of the Imperial Parliament.

I confidently anticipate that I shall promptly receive from you full information upon this subject, and in the meanwhile I must repeat the instruction given to you in my Despatch of 26th July, No. 54.*

* Page 221.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Enclosure 1 in No. 18.

SIR, Treasury Chambers, September 26, 1865. Encl. 1. in No. 18.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, in reply to your letter of the 21st instant, on the subject of advances from the Treasury chest in New Zealand, on the application of the local government, in which you request that an account of such advances may be furnished for the information of the Secretary of State that they have caused the account herewith to be prepared, showing the debt incurred by the Colony to the Imperial Government for advances of money and supplies up to the present time, so far as the same can at present be estimated. This debt to Imperial funds, amounting to the sum of 666,939 $\frac{1}{2}$ l., is irrespective of the old debt of 68,000 $\frac{1}{2}$ l., incurred between 1847-8 and 1858-9, on account of the New Zealand Fencibles; and it does not include any part of the large expenditure incurred for the protection of the Colony, which has been charged upon the grants of Parliament for military and naval services, nor the contribution payable by the Colony for military protection.

This debt of 666,939 $\frac{1}{2}$ l. may be divided as follows:

1st. Cash advances to the colonial authorities in gross, avowedly for military purposes, but the application of which has been removed from the control of any public officer accountable to this Board or to the War Department	-	-	-	£186,000
2d. Pay, clothing, arms, ammunition, stores, and other expenses for colonial forces, &c., wholly chargeable upon colonial funds	-	-	-	£480,939
				<u>£666,939</u>

This sum represents moneys, appropriated by Parliament to specific public purposes, which have been applied to uses not sanctioned by Parliament. These moneys should be made good, before the close of the present financial year, to the department from whose funds they have been withdrawn.

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ZEALAND.

My Lords request that you will acquaint Mr. Secretary Cardwell that the Commissary General, in charge of the Treasury Chest in New Zealand, has informed this Board by letter, dated the 6th July 1865, that money advances to the Colonial Government were then being made at the rate of 4,000*l.* a month, that he believed that such advances would increase in amount, and that they would not be of short duration; that the issue of rations had also been extended, and that there was every prospect of further demands; that the promises of repayment on monthly accounts of which assurance was given to the Commissary General by Mr. Weld, in his letter of 18th February 1865, had not been fulfilled, and that notwithstanding the instructions sent to the Commissary General by this Board on the 8th October 1864, that the debt of the Colony should not be increased by further advances, that debt was being augmented at the rate of 15,000*l.* a month.

My Lords consider that the power exercised by the Governor of New Zealand in thus using the public money for purposes not sanctioned by the House of Commons, regardless of any inconvenience which the Home Government might experience by the disturbance of the financial arrangements of the year, submitted to and approved by Parliament, is open to such grave objections that if Mr. Secretary Cardwell had not already informed them that he had instructed the Governor of New Zealand, by his despatch of the 26th July 1865, that these unauthorized advances from the Treasury Chest must be discontinued, they would have felt it incumbent on them to urge the adoption of stringent measures for bringing them finally to a close, and for providing security against the recurrence of them.

My Lords have transmitted a copy of this letter and of the enclosure to the Secretary of State for War for his information.

Sir Frederic Rogers, Bart.,
&c. &c.

I have, &c.
(Signed) GEO. A. HAMILTON.

AN ACCOUNT showing the Debt incurred by the Colony of New Zealand to the Imperial Government, for Advances of Money on Account of Military Expenditure and for Military Supplies, up to September 1865, so far as the same can at present (26th September 1865) be estimated.

1st. Cash advances to the colonial authorities :—	£
On 20th August 1863	12,000
14th September 1863	12,000
9th October 1863	12,000
7th November 1863	100,000
29th December 1863	50,000
	<u>£186,000</u>

N.B.—Repayment of these advances was promised “within six months from the date of each advance.”

2d. Expenses incurred for colonial forces, wholly chargeable upon colonial funds, up to 31st March 1865, viz. :—	
Pay, &c. of mounted volunteers, of Maori, irregular force, of Taranaki, Wanganui, and Hutt militia	67,699
Commissariat supplies	185,621
Military stores	82,168
Hire of vessels	16,422
Road making	31,805
Field works and colonial allowance to H.M. ships, &c.	7,224
Add money advances to Colonial Government, issue of rations, &c. at 15,000 <i>l.</i> a month, 6 months to September 1865	90,000
	<u>£480,939</u>
	<u>£666,939</u>

The above sum is exclusive of the old debt (about 68,000*l.*) in respect of advances for the New Zealand Fencibles.

Enclosure 2 in No. 18.

SIR,

War Office, August 24, 1865.

I AM directed by the Secretary of State for War to transmit to you, for the information of Mr. Secretary Cardwell, the accompanying copy of a letter which was addressed to Governor Sir George Grey by Lieutenant-General Sir Duncan Cameron on the 5th June last, with its enclosure, relative to the issues, by the Commissariat Department, of pay and rations to the colonial forces and military settlers in New Zealand.

Sir Frederic Rogers, Bart.,
&c. &c.

I have, &c.
(Signed) EDWARD LUGARD.

SIR,

Head Quarters, Auckland, June 5, 1865.

I HAVE the honour to forward a copy of a letter I have received from Commissary General Jones, C.B., with reference to the existing issues of pay and rations on account of the Colonial Government.

I beg to inform your Excellency that I fully concur with Commissary General Jones, and I propose to cancel all the existing authorities for present issues from 1st August next. I believe that it would be an advantage to this colony as well as to the Imperial Government that the whole subject of these issues should be carefully reviewed, and that a special application, with full particulars, be made for each case in which the assistance of the Commissariat is required by the colonial government.

I have, &c.

Sir George Grey, K.C.B.,
&c. &c.

(Signed) D. A. CAMERON, Lieut. General.

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SIR,

Commissariat, New Zealand, Auckland,
June 3, 1865.

WITH reference to your letter of this date and the previous correspondence alluded to therein, I consider it my duty to bring to the Lieut. General's knowledge that an expenditure of Imperial funds to the extent of 15,000*l.* per month is being incurred on account of advances of money and cost of rations for colonial forces and military settlers, and although under a promise of repayment, still the power of the Colony to meet the accounts appear to me very problematical, as if the money were available the necessity for cash advances to pay the militia could not be requisite.

I conceive that there could be no better opportunity than the present, when his Excellency the Governor and two of his ministers are in the province, to bring this long open question to an issue, and would suggest that in order to do so, the Lieut. General should direct that all issues of money and supplies shall cease from a fixed early date, say the end of next month, and that no further issues be allowed except upon an application from the Colony for each individual case showing the necessity for the same, and giving all particulars, such as numbers, and description of force, rates of pay, &c., locality, and all other details necessary to form an estimate of the amount of money or supplies demanded. By this means the Lieut. General will be able, by reviewing the various questions in detail, to see and judge of the necessity that exists for sanctioning or disallowing each.

I have, &c.

The Assistant Military Secretary,
Head Quarters.

(Signed) H. STANLEY JONES,
Commissariat General.

Enclosure 3 in No. 18.

Encl. 3. in
No. 18.

SIR,

War Office, August 25, 1865.

WITH reference to my letter of 24th instant, forwarding a copy of one addressed to the Governor of New Zealand by Lieut. General Sir D. A. Cameron, with its enclosures relative to the issue by the Commissariat Department of pay and rations to the local forces and military settlers, I am directed by the Secretary of State for War to transmit to you, for the information of Mr. Secretary Cardwell, the accompanying copy of a previous correspondence which has been received from Sir Duncan Cameron on the subject.

I have, &c.

Sir Frederic Rogers, Bart.
&c. &c.

(Signed) EDWARD LUGARD.

SIR,

Government House, Auckland, May 13, 1865.

I HAVE the honour to inform you that, in order that as few demands as possible may at the present time be made upon the regular troops, the Colonial Government intend to take on pay for a time a portion of the Taranaki militia and loyal natives (about 250 in all) for the purpose of occupying the white cliffs, and the land to the north of the Waitara. I should, therefore, be very much obliged to you if you would be good enough to direct the Commissariat Department at Taranaki to issue such funds to the paymaster of the Taranaki Militia as may be necessary for the purpose.

This arrangement will only be a temporary one, and the Colonial Government will be responsible for the monies thus advanced.

I have, &c.

Lieut. General Sir D. A. Cameron, K.C.B.
&c. &c. &c.

(Signed) G. GREY.

SIR,

Head Quarters, Auckland, May 18, 1865.

WITH reference to previous correspondence I have the honour by direction of the Lieut.-General commanding to forward for your information the copy of a letter he has addressed to his Excellency the Governor relative to advances from the Commissariat Chest required by the Colonial Government for the payment of militia, &c. at Taranaki and Wanganui.

The Lieutenant General requests that you will give the necessary instructions for making the required advances on receipt of the monthly estimates referred to in your letters of 24th ultimo and 16th instant.

I have, &c.

Commissary General Jones, C.B.

(Signed) GEO. DEAN PITT, Major A. M. S.

SIR,

Head Quarters, Auckland, May 18, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of 13th instant relative to the payment by the Commissariat Department of about 250 militia and loyal natives, who are to occupy the White Cliffs and the land to the north of the Waitara.

NEW
ZEALAND.

I consider it my duty to comply with your Excellency's request, and I will give the necessary instructions to the Commissary General, though it appears to me doubtful whether Her Majesty's Government will approve of those advances being made for an occupation of territory, which, however advantageous to the colony, they may think might have been deferred until the expense could be defrayed from colonial funds.

24th Apr. and
16th May.

I would request that the Colonial Government may be directed to comply with the suggestions of Commissary General Jones contained in his two letters, copies of which are herewith inclosed regarding the preparation of the monthly estimate both at Taranaki and Wanganui.

His Excellency Sir George Grey, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut. General.

SIR,

Commissariat, New Zealand, Auckland, May 16, 1865.

I HAVE the honour to acknowledge receipt of a letter dated 13th May 1865, from his Excellency the Governor to the Lieutenant General Commanding, with your minute of this date, and beg to refer to the instructions from the Treasury, dated 8th October 1864, and from the War Office, dated 26th November 1864, prohibiting any addition to the liabilities of this colony to the Imperial Treasury.

Should the Lieutenant General decide upon authorizing the issue of pay to the force in question at Taranaki, which I can hardly consider to come under the term "temporary levies," as described in the Commissariat Regulations, page 183, I would suggest that a monthly estimate should be prepared by the Acting Paymaster of the force, to be countersigned by the Colonial Defence Minister, and submitted to the Lieutenant General for his warrant. By this means the Lieutenant General would be made aware monthly of the number of each rank for whom pay is required, and the rates of pay for each; the whole amount being of course charged against the Colony.

I herewith return his Excellency's letter.

The Assistant Military Secretary,
Auckland.

I have, &c.
(Signed) H. S. JONES,
Commissary General.

SIR,

Commissariat, New Zealand, Auckland, April 24, 1865.

I HAVE the honour to acknowledge the receipt of your letter of 2d instant, containing the direction of the Lieutenant General commanding, for the issue of advances from the Treasury Chest at Wanganui for payment of the Militia in that district.

I beg you will acquaint the lieutenant-general that it is not customary to issue money from the commissariat chest for such purposes as that in question, unless the actual sum is stated in a warrant under the hand of the officer in chief command of the forces, as laid down in Commissariat Regulations additional articles, No. 2, p. 183.

I would, therefore, respectfully suggest that the officer acting as paymaster of the Wanganui Militia should prepare an estimate similar to that used by Paymasters of Her Majesty's army, showing the number of officers and men for whom pay is required, and the amount that will probably be necessary for the ensuing month. This document when approved by the Defence Minister should be forwarded to this office, when the warrant of the Lieutenant General will be solicited for payment of the amount.

The Assistant Military Secretary,
Wanganui.

I have, &c.
H. S. JONES,
Commissary General.

P.S.—Instructions have been given to make advances for this service which can hereafter be covered by the warrant.

(Signed) H. S. JONES

Enclosure 4 in No. 18.

Lieutenant General CAMERON to SECRETARY OF STATE FOR WAR.

No. 132.

MY LORD,

Head Quarters,
Auckland, July 7, 1865.

WITH reference to my letter of the 7th ultimo, No. 132, I have the honour to forward, for your Lordship's information, copies of a further correspondence between his Excellency the Governor of New Zealand and myself on the subject of the existing issues of pay and rations to the colonial forces by the Commissariat Department.

This correspondence will show your Lordship the difficulties which the Commissary General and myself have to contend with, and how necessary it is that we should receive explicit instructions on the subject.

At present it is hardly possible for me to refuse assistance in money and rations to any extent the Governor of the Colony may think proper to demand, when I am informed by him that such refusal would not only be of disadvantage both to the Colony and the Imperial Government, but would probably involve the country in fresh disasters.

I enclose two statements showing the number of colonial forces now receiving pay and rations from the Commissariat.

With regard to rations, it was guaranteed by two of the colonial ministers that the accounts for

those issued in the province of Auckland (being more than three fourths of the whole) should be paid for monthly, and the issues were continued on this condition.

The Colonial Government, however, have failed to fulfil this guarantee, and I have brought the subject to the notice of the Governor in my letter of the 3d instant, to which I have not yet received a reply, but it will be seen from former correspondence that I can expect very little assistance from his Excellency.

I have, &c.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

(Signed) D. A. CAMERON,
Lieut. General.

Governor Sir G. GREY to Lieutenant General CAMERON.

Sir,

Government House, Auckland, June 9, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 5th instant, forwarding the copy of a letter from Commissary General Jones, C.B., dated the 3d of June. From this correspondence I gather that you propose to cancel all the existing authorities for the present issues of pay and rations by the Commissariat on account of the Colonial Government from the 1st day of August next, with a view of reviewing in detail the various questions connected with each of such issues, and of seeing and judging of the necessity that exists for sanctioning or disallowing each, and that you believe that it will be an advantage to the Colony as well as to the Imperial Government that the whole subject of these issues should be carefully reviewed, and that a special application with full particulars be made for each case.

In reply, I have the honour to state that I can see no advantage that would result to the Colony from a careful review at the present time of the whole subject of these issues. The Colony is responsible for the cost incurred on account of them, and is to repay the amount.

The case of every one of the issues which is being made was carefully considered by the Colonial Government before I applied to you to order such issue, and the Colonial Government is satisfied in the case of each of these issues that it is still necessary, or it would not allow that it should continue to be made.

If you choose to cancel all the existing authorities for all present issues from the 1st of August next, with the intention of reviewing the various questions in detail, and of seeing and judging the necessity which exists for sanctioning or disallowing each one of them, I cannot prevent you from taking such a course, and the colonial officers shall be instructed to afford you any information connected with these subjects for which you may ask. But I think it my duty to state why I think it would be disadvantageous to the Colony as well as to the Imperial Government that you should at the present time follow the course you propose to adopt.

There is now within a few miles of the settlement of Whanganui a post occupied by rebel natives of which they have been allowed and are still allowed to retain undisturbed possession. They thus keep alive in the country the smouldering embers of insurrection, which may at any time burst out into a flame, and involve in serious disasters the settlements of Whanganui, Rangitikei, Manawatu, and the district of Wellington. These rebels who hold the Wereroa Pa are connected with the fanatics on the east coast. Their Pa was the last point on the south-west coast from which the party of fanatics bearing a head, who murdered Mr. Volkner, were sent upon their atrocious mission, and through their influence, which increases from their being allowed to remain undisturbed, the east coast tribes may at any time be roused to revolt.

At the present moment important negotiations are being carried on with the hitherto rebel natives in this part of the Northern Island. These negotiations appear on the whole to be progressing favourably, but a very slight cause may yet disturb them, and bring on renewed difficulties here.

The question of the dispatch of troops from the Colony is under consideration; until it has been decided what numbers of troops are to be sent home, and the dates at which they are to leave the Colony, it will be impossible to determine what positions are to be permanently occupied by military settlers or friendly natives, who would for some time require the assistance of the Commissariat to meet the necessary issues for their support. Various positions already taken up by military settlers and friendly natives, and which will probably have to be permanently held, are now settling down into a state of peace and order, and their occupants finding that the requisite issues are regularly supplied to them do their duty contentedly and well.

Under these circumstances to direct that all the present issues of pay and rations to the Colonial Government shall be cancelled from the 1st August next would, I fear, whilst it would attain no useful end, cause great want of confidence and alarm, unsettle many men's minds as to the permanency of anything the Government is doing, and probably involve the country in fresh disasters.

My own opinion as to what should be done to meet the questions you have raised is as follows:

The embers of revolt, which are still slumbering close to Whanganui, should be put out by the punishment and dispersion of the rebels who now occupy the Wereroa Pa. The negotiations now in progress should be brought as speedily as practicable to a close, which after the dispersion of the rebels in the neighbourhood of Whanganui I believe could be done satisfactorily and permanently.

Then that it should be decided what regiments are to be sent home, and at what dates to give effect to the reduction of troops which has been ordered. When this point has been settled, that it should then be determined what positions are to be permanently held by military settlers or friendly natives, and which of these positions will have to depend upon the commissariat for the issue of pay or rations, and that the necessity of each of such cases should be carefully considered.

In this manner I think effect could be given to the intentions you have expressed with due regard to the safety of the Colony. I beg that you will, as soon as you conveniently can, inform me what course you intend to pursue in reference to this subject, as it is one which involves the most serious considerations, and may require immediate action on my part.

I have, &c.

The Hon. Lieut. General Sir D. Cameron, K.C.B.,
&c. &c. &c.

(Signed) G. GREY.

Lieutenant General CAMERON to Governor Sir G. GREY.

NEW
ZEALAND.

SIR,

Head Quarters, Auckland, June 21, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 9th instant relative to the issues of pay and rations by the commissariat on account of the Colonial Government, and having referred it to Commissary General Jones, I herewith forward a copy of his letter for your Excellency's information.

I cannot concur with your Excellency that an investigation of the account between the Imperial and Colonial Governments is superfluous, because the Colonial Government are satisfied that all the present issues are necessary, and because they are responsible for their cost, nor that such an investigation would be attended with danger in consequence of the occupation by the rebels of a position on the Waitotara river.

If, however, the continued occupation of that position by the rebels really involves all the serious consequences represented by your Excellency, which I am very far from believing, your Excellency must be held responsible for them. For, in the first place, the three best months of the year for operations in the field were lost in consequence of the postponement of hostilities by your Excellency until after the meeting of the General Assembly, a delay which would seem to have been unnecessary if you had at that time determined under any circumstances, and whoever your Responsible Advisers might be, to transfer the war to Whanganui for the confiscation and occupation of territory; and, in the next place, your Excellency's instructions to occupy the sea coast between Taranaki and Whanganui rendered an attack on the position impossible, unless I had immediately abandoned the posts established in pursuance of those instructions. It was not until the middle of May, after having more than once applied to your Excellency for instructions, and after having been informed by your Excellency in reply that the services of the regular troops were not likely to be required, that I received your sanction to abandon any of the posts, but it was then too late.

But for these circumstance the Wereroa position might, ere now, have been in our possession.

As to the plan proposed by your Excellency, I have, in previous communications sufficiently explained my opinion regarding it, and I will only add that the Commanding Royal Engineer, Colonel Mould, fully concurs with me that a siege of the position is not advisable at this season of the year. All that can now be done is to make preparations so that no time may be lost as soon as the weather will admit of the operation being undertaken.

Although nothing that your Excellency has stated in your letter is, in my opinion, sufficient reason for preventing the first proposal of Commissary General Jones from being carried into effect, yet as your Excellency is so disinclined to any inquiries being made into the present expenditure on account of pay and rations to the colonial forces, and as the question stands at present in a very unsatisfactory position, I think it best to adopt the course recommended by Commissary General Jones, and to refer the whole subject for the instructions of the Secretary of State for War.

In the meantime I have directed the Commissary General to continue all the present issues on the condition stated in his letter.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut. General.

Commissary General JONES to ASSISTANT MILITARY SECRETARY, Auckland.

No. 1000c.

SIR,

Commissariat, New Zealand, Auckland, June 14, 1865.

THE Lieutenant General Commanding having shown me the letter of his Excellency the Governor, dated 9th instant, on the subject of the proposal contained in my letter of the 3d to the effect that the whole question relating to the issues now being made on behalf of the Colonial Government should be reviewed in detail, and the Lieutenant General Commanding having desired that I should report upon the several points in his Excellency the Governor's letter bearing upon this question, I have now the honour to submit as follows for the Lieutenant General's consideration.

That as his Excellency so strongly objects to the steps proposed upon grounds of political expediency, the point be conceded to his wishes.

I presume that the Colony can hereafter raise no objection as to the description of the persons drawing rations, or their numbers, as it has, through his Excellency, declined to enter into any investigation into the matter.

The Colony having undertaken to pay monthly for all rations issued since the 1st of March last, the objection to a continuance of these issues are far from as great as would otherwise be the case.

The letters of Colonial Ministers state that the continuance of the issues by this department will be of a temporary nature, and not likely to extend beyond a few months; but I find from the concluding paragraph of his Excellency's letter, that he contemplates on the withdrawal of Her Majesty's troops from posts now occupied by them, to replace them with militia, military settlers, or friendly natives, and to call upon this department to ration the colonial forces so placed. The assistance required from this department appears, therefore, more permanent than represented by Ministers.

Upon a careful consideration of the whole bearings of this question I am clearly of opinion that the subject stands in the most unsatisfactory position, and I would recommend that it be at once submitted for the consideration and instructions of the Secretary of State for War.

In the interval, pending the receipt of those instructions, I would submit that no increase in the present numbers rationed should be permitted, unless upon special application representing the circumstances requiring such increase, and also that all issues on behalf of the Colony should cease in the event of a failure of immediate repayment of the cost of all supplies issued since 1st March last. The claims for that month were sent in to the Colonial Government yesterday.

Another branch of this question I have the honour to bring under the consideration of the Lieutenant General Commanding is the recent appeal from the Colony for the commissariat to advance money to pay militia, military settlers, and friendly natives at Wanganui and Taranaki.

In the application of the defence minister for these advances at Wanganui, forwarded by his Excellency in his letter of 22d March last, there is no reference made to repayment beyond the ambiguous expression:—"As the Paymaster is not an officer of the Imperial service the Colonial Government will be responsible for the moneys thus advanced." And in the application for advances at Taranaki only similar expressions are employed. Both these advances are represented to be merely of a temporary nature, but, as in the case of rations, his Excellency in his letter appears to contemplate this department continuing to advance pay to militia, military settlers, and friendly natives on the withdrawal of the troops.

The plain inference, therefore, is that this assistance will continue to be required for many months.

As no intention is expressed of immediate repayment of these advances they are necessarily added to the debt of the Colony due to the Imperial Government, which recent instructions both from the Treasury and War Office directed should not be permitted. This question, therefore, is one that I consider should also be submitted for specific instructions from the Secretary of State for War.

In order to obtain clear and distinct instructions upon the several points under consideration the best course to be pursued would probably be to submit a series of questions for the consideration and decision of the Secretary of State for War, and I now do myself the honour to enclose separately the questions which occur to me as those most calculated to draw forth the fullest and clearest instructions.

I have, &c.

The Assistant Military Secretary,
Head Quarters, Auckland.

(Signed) H. STANLEY JONES,
Com. General.

The following questions are proposed to be submitted for the consideration of the Secretary of State for War with reference to the suggestion contained in my letter, No. 1000, of this date.

How far this Department is warranted under existing circumstances in issuing, upon payment, rations to colonial militia, military settlers, and friendly natives:

1. When on active service under the immediate command of the Lieutenant General commanding.
2. When on active service not under the orders of the Lieutenant General, but acting independently under Colonial command, or occupying posts in confiscated territory.
3. When struck off all pay and placed upon their lands, and in fact performing no military duty, but held in readiness when required for any active service.
4. If the families of such colonial forces under any of the above three circumstances may draw rations from the Commissariat upon payment by the colony.

If the cost of all establishments necessarily maintained at posts wholly occupied by Colonial forces for the sole purpose of rationing those forces should be included in the charge against the Colony as well as the establishment at head quarters, examining and compiling outpost Colonial accounts, and preparing the charges against the Colony.

If the debt due by the Colony to the Imperial Government should under any circumstance whatever be permitted to be increased either by advances of money to pay militia, military settlers, or friendly natives, or in continuing to issue rations to those forces should the full cost of the same not be repaid on demand into the military chest, and, if so,

Under what special circumstances the advances in money and issues of rations may continue to be made and added to the claim against the colony.

Commissariat, New Zealand,
Auckland, June 14, 1865.

(Signed) H. STANLEY JONES,
Commissary General.

Mr. WELD to Commissary General JONES.

SIR, Colonial Secretary's Office, Wellington, February 18, 1865.

I HAVE addressed his Excellency the Governor direct on the subject of your letter, dated the 9th instant, to the private secretary, reporting the orders which you have given for the discontinuance from the 28th of this month of the issue by the Commissariat of rations to the Colonial forces in the province of Auckland, but as it is probable his Excellency may be absent from Auckland when that communication arrives, I have the honour to address to you this letter on the same subject.

As serious embarrassment to the public service would ensue from this sudden change of the system of supplying the Colonial forces through the Commissariat, I have strongly to urge upon you the propriety of not carrying your orders into effect, especially as the guarantee which ministers will give removes the alleged cause, namely, the prevention of further increase of the liabilities of this Colony to the Imperial Government.

Ministers give their assurance that for the future the commissariat accounts for rationing the Colonial forces in the province of Auckland shall be paid monthly on presentation at the sub-treasury Auckland.

It is, however, desired that the arrangement for supplying the Colonial forces with rations by the Commissariat should only be of a temporary character pending the completion of permanent arrangements contemplated by the Colonial Government, and which it is hoped will take effect within a few months at the furthest.

Ministers confidently rely upon your acceptance of this proposal, as the shortness of the notice you have given entirely precludes the Colonial Government from making the necessary arrangements.

I have, &c.

(Signed) FRED. A. WELD,

To Commissary General Jones, C.B.,
&c. &c. &c.

NEW
ZEALAND.

MEMORANDUM for his Excellency the GOVERNOR.

WITH reference to the letter from the Commissary General of the 9th instant, his Excellency is respectfully requested to move the Lieutenant General commanding to continue the issue of rations to the colonial forces at present on active service, as it is quite impossible that the Colonial Government can provide in a satisfactory manner rations for so large a body of men on so short a notice. Ministers will guarantee immediate payment upon the presentation of the account by the Commissary General for any rations that may be issued.

(Signed) H. A. ATKINSON.

Taranaki, 22d February 1865.

Lieutenant General CAMERON to Governor Sir G. GREY.

SIR,

Head Quarters, Auckland, July 3, 1865.

June 30, 1865.

I HAVE the honour to forward for your Excellency's information the copy of a letter, with its enclosures, received from Commissary General Jones, from which you will see that the Colonial Government have failed to fulfil the guarantee given in their behalf by the Colonial Secretary and Minister for Colonial Defence for the monthly payment to the Commissariat of the accounts for rations supplied to the colonial forces.

On the 18th February, in reference to this subject, Mr. Weld writes to the Commissary General as follows:—"Ministers give their assurance that for the future the commissariat accounts for rationing the colonial forces shall be paid monthly, on presentation at the Sub-treasury, Auckland."

On the 22d February, in a memorandum addressed to your Excellency, Major Atkinson states:—"Ministers will guarantee immediate payment, upon the presentation of the account by the Commissary General, for any rations that may be issued."

The Sub-Treasurer at Auckland now acquaints the Commissary General that he is "informed by the Colonial Treasurer that the arrangement referred to is understood to have been superseded by arrangements subsequently made."

I need hardly inform your Excellency that no subsequent arrangements have been made which supersede the agreement entered into by the Commissary General. On the contrary, the last paragraph of my letter of the 21st ultimo to your Excellency shows that it was on the faith of that agreement that I directed the continuance of all the present issues to the colonial forces.

Under these circumstances I beg that your Excellency will call upon the Colonial Government to make arrangements for supplying their own forces from the 1st August next, unless immediate payment is made of the bills already presented, and unless the Colonial Government can give some guarantee that can be relied upon for the regular settlement of such claims in future.

I have, &c.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.(Signed) D. A. CAMERON,
Lieut.-General.

Commissary General JONES to ASSISTANT MILITARY SECRETARY.

No. 1045.

SIR,

Commissariat, New Zealand, Auckland, June 30, 1865.

REFERRING to my letter, No. 1000, dated 14th instant, on the subject of the issue of rations to the colonial forces, and forwarding correspondence from the Colonial Secretary and Defence Minister, in which those gentlemen distinctly guaranteed that the value of the rations issued should be repaid monthly on a statement thereof being furnished by this department, I have now the honour to transmit for the information of the Lieutenant General Commanding copy of my letter of the 13th instant, forwarding statement of the value of the supplies issued to the colonial forces during the month of March, and the Sub-treasurer's reply of this date, from which it would appear that the arrangement entered into by Mr. Weld and Major Atkinson for the monthly repayment of the value of all supplies issued to the colonial forces has been superseded by other arrangements made subsequently, and of which no notification has reached me.

Should this not be the case I would beg to submit for the Lieutenant General's consideration whether it would not, in accordance with the terms of my letter above quoted, be advisable to cease the issue of rations to the colonial forces from and after such date as the Lieutenant General may be pleased to fix, due notice thereof being made to the colonial authorities.

I have, &c.

The Assistant Military Secretary,
&c. &c. &c.(Signed) H. STANLEY JONES,
Commissary General.

Commissary General JONES to the Sub-Treasurer, Auckland.

SIR,

Commissariat, New Zealand, Auckland, June 13, 1865.

IN accordance with the terms of the Colonial Secretary's letter of 18th February 1865, copy herewith, I have the honour to enclose a statement of charges by the Imperial Government against the Colonial Government of New Zealand on account of supplies issued by this department to the colonial forces during March last, and request that the amount, 8,232*l.* 13*s.* 7*d.*, may be paid into the military chest at Auckland.

I have, &c.

The Sub-Treasurer, Auckland.

(Signed) H. S. JONES,
Commissary General.

Sub-Treasurer PORTER to Commissary General JONES.

NEW
ZEALAND.

Sir,

Sub-Treasury, Auckland, June 30, 1865.

IN reply to your letter of the 13th instant, No. 992, enclosing a statement of charges against the Colonial Government for supplies issued to colonial forces during the month of March last, amounting to 8,232*l.* 13*s.* 7*d.*, I have the honour to acquaint you that I am informed by the Colonial Treasurer that the arrangement referred to in your letter is understood to have been superseded by arrangements subsequently made, but that on this point his Excellency the Governor will be moved to communicate with the proper authorities.

Commissary General Jones, C.B.,
&c. &c. &c.

I have, &c.
(Signed) R. F. PORTER,
Sub-Treasurer.

STATEMENT showing the numbers of colonial corps in New Zealand who are receiving pay from Imperial funds by latest estimates.

Station.	Corps.	Period of Estimate.	Officers.	Non-commissioned Officers and Men.	Remarks.
		1865.			
Wanganui	- Cavalry -	March and April	- 7	93	
Do.	- Wanganui Militia -	" "	- 19	327	
Do.	- Waikato Militia -	April and May	- —	49	
Do.	- Forest Rangers -	" "	- —	52	
Taranaki	- Taranaki Militia -	1st to 30th June	- 7	139	
Do.	- Native Militia -	" "	- 4	100	
		Total -	- 37	760	

Commissariat, New Zealand,
Auckland, June 30, 1865.

(Signed) H. STANLEY JONES,
Commissary General.

COMMISSARIAT, NEW ZEALAND.

STATEMENT showing the numbers of colonial troops and horses in New Zealand receiving rations from the Commissariat Department.

District.	No. of rations issued in detail daily.	No. of men receiving rations in bulk.	Total.	No. of horses rationed.	Remarks.
Auckland	- 1,500	2,150	3,650	66	
Wanganui	- 547	300	847	125	
Taranaki	- 121	—	121	—	
Hawkes Bay	- 168	—	168	—	
Total	- 2,336	2,450	4,786	191	

Commissariat, New Zealand,
Auckland, June 30, 1865.

(Signed) H. STANLEY JONES,
Commissary General.

No. 19.

No. 19.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY.

(No. 81.)

Sir,

Downing Street, October 20, 1865.

No. 82, 6 July 1865, page 115.

No. 83, 10 July 1865, page 118.

No. 85, 10 July 1865, page 122.

No. 86, 10 July 1865, page 125.

No. 89, 13 July 1865, page 132.

No. 91, 14 July 1865, page 148.

I HAVE the honour to acknowledge the receipt of your Despatches of the numbers and dates specified in the margin.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD CARDWELL.

NEW

ZEALAND.

No. 20.

No. 20.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 83.)

SIR,

Downing Street, October 23, 1865.

* Page 172.

I HAVE received, and have read with much satisfaction, your Despatch No. 99 of the 7th August, enclosing a list of the pensions and gratuities granted by your Government to those of the loyal natives of Whanganui who were wounded in the actions at Moutoa and Ohotahi.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 21.

No. 21.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 85.)

SIR,

Downing Street, 26th October 1865.

* Page 173.

I HAVE the honour to acknowledge the receipt of your Despatch of August 14, No. 106, in which you enclose to me a memorandum of your Ministers protesting against the possible disallowance of the New Zealand Settlements Act, 1863, which was intimated to you in my Despatch No. 24† of the 24th of April. You also transmit to me, by their request, a copy of a Bill which is now before the General Assembly for altering, amending, and continuing that Act. As it is still uncertain in what shape the Bill may pass the Assembly, I shall not here express any opinion upon its provisions. I will only remind you that before the end of next March Her Majesty's Government must decide whether the original Act can be allowed to remain in operation.

There are, however, two observations in the memorandum of your Ministers which require notice; they are, (1.) "But if the Colony is to be charged with the responsibility of its own internal government and defence, Colonial Ministers claim for themselves the right of determining the question as to what land should be confiscated, and subject to what conditions; it will be otherwise impossible for them to undertake the responsibility of conducting the Colonial Government." And (2.) "The case, however, is one in which, with the utmost deference to the Imperial Authorities, Ministers feel it their duty to point out that, under the altered relations between the Colony and the Mother Country, the fullest discretionary power must be left with the Colonial Government."

In the first place, it must of course be understood that the Native affairs are not to be placed in the hands of the Local Government in any other sense than that in which the affairs of the settlers themselves are so placed, and that in cases touching the honour or interests of the Crown the adherence to treaties entered into by Her Majesty, and other matters of an analogous kind, the Royal power of disallowing Acts is no more abandoned in the one case than in the other. This remark applies not to New Zealand only, but to all colonies.

But I have also to observe that the Imperial control over circumstances calculated to affect the progress, continuance, or revival of the war was not to cease until the Imperial force should have left the Colony. I have not as yet been informed that a single regiment has been actually embarked; and I must distinctly explain that so long as any considerable number of British troops remain in New Zealand, Her Majesty's Government must continue to retain a reasonable control over that native policy on which the employment of these troops will depend.

I have received with much pleasure your Ministers' assurance of their earnest desire to adapt their measures so as to meet the objects which the policy of Her Majesty's Government has been directed to secure. I shall await with interest your further report on the Act. In the meantime you may rest assured that I shall not lightly advise Her Majesty to disallow any Act to which the Royal assent can properly be given; and that nothing will give me greater satisfaction than to see your Ministers, in concert with the Assembly, pursuing with success a just and independent policy in Native as well as in other affairs.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

† Vide Papers
presented
9th May 1865,
page 14.

No. 22.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

NEW
ZEALAND

(No. 86.)

SIR,

Downing Street, October 26, 1865.

I HAVE received your Despatches of the dates and numbers noted in the margin. I learn with great satisfaction that the Weraroa Pah, to the possession of which you have attached so much importance, has fallen into your hands without loss. Her Majesty's Government appreciate the skill and gallantry displayed on the occasion by the colonial forces and the friendly natives, and observe with pleasure that you desire to call their attention to the assistance which you received from Her Majesty's regular forces. I trust that all the important consequences which you have anticipated as likely to result from the reduction of this rebel fortress may be fully realized. I have not failed to communicate to the Secretary of State for War your Despatches on the subject. I have also to transmit to you a letter and its enclosures, which I have received from the War Department, conveying the answer of General Cameron to the complaints against him, contained or implied, in your Despatches and in your speech to the Assembly. I must at the same time inform you that the course which you have pursued in assuming so large a share in the personal direction of military operations, in presence of the regular forces and of their officers, has given rise to questions upon which I shall probably have to address you by the next mail.

18th October
1865.

I read with pleasure in the memorandum of your Ministers the statement that they intend to remain in office, and am glad to learn that none of the embarrassments which you anticipated from their resignation are now likely to arise. I told you by the last mail that I was satisfied that some misunderstanding must have prevailed, and that I expected soon to hear that it had been dispelled. Your Ministers have rightly understood, from my Despatch of April 26,* that their policy is recognised by the Home Government; a point upon which I should have thought there could be no doubt after the explicit declaration conveyed to you in my Despatch of February 27,† and again in that of March 27,‡ in both of which I told you that the resolutions of the Assembly embodying that policy had been received by Her Majesty's Government with entire satisfaction. They are, however, mistaken in supposing that any discretionary powers recently vested in the Lieutenant General commanding had reverted to you. It never was intended that any discretion should be vested in you or your Responsible Advisers with respect to that portion of Her Majesty's troops who under the correspondence between this department and the late Colonial Treasurer were not to be included in the contribution expected from the Colony for the current year. In taking this portion of the force at five regiments, we made, I think, an estimate fair and liberal to the Colony; and in my Despatch of February 27, I informed you "By the present mail the Secretary of State for War gives instructions to General Cameron which contemplate that he will make arrangements for sending home five regiments. Her Majesty's Government have arrived at the conclusion that, under present circumstances, these instructions may be safely given. I understand that the Colony does not propose to accept the guarantee of the Imperial Treasury under the Act of 1864; but the former arrangement under which the Colony paid only 5*l.* for each soldier has expired, and I shall expect to hear from you that arrangements have been made for the new and increased contribution in respect of the troops who still remain. The orders given to General Cameron will enable your Ministers to diminish this contribution, if they shall think fit, by requesting the withdrawal of a larger portion of the force." The only discretion vested in General Cameron with respect to the five regiments was intended to guard against undue haste in the execution of his orders, exposing the Colonists to hazard under circumstances unforeseen by Her Majesty's Government. It was thus described to you by me in my Despatch of March 27: "The latitude given to General Cameron with respect to the time of the withdrawal of the troops is intended to prevent the hazard of attack upon the Colonists, considering the distance and interval of time which render it impossible to foresee the circumstance under which the Colony may be placed when the Despatches from home shall reach you. It is not intended to encourage the adoption of any policy which may tend to retard the ultimate withdrawal of the force." General Cameron appears to have understood correctly the meaning of the instructions he received from Lord de Grey, and but for your authoritative protest would have carried at once into effect the wishes of Her Majesty's Government by sending home this portion of the force."

* Vide Papers
presented
9th May 1864,
page 15.† Vide Papers
presented
2d March 1865,
page 22.‡ Vide Papers
presented
6th April 1865,
page 20.

NEW
ZEALAND.

Any misunderstanding, however, which has existed on this question will, I conclude, no longer be productive of evil consequences, since I learn from your present Despatches that the five regiments in question will be sent home in pursuance of the instructions of Her Majesty's Government to that effect, and I have every reason to suppose that you and your Ministers now concur in the expediency of this course.

It does, however, appear to be very necessary to establish a clear understanding with respect to the troops who will still remain in the Colony, and towards the provision for which the Colony is expected to contribute.

With respect to these troops, no discretion which ever was vested in you and your Ministers has been withdrawn, and no discretion has ever been vested by Lord de Grey in General Cameron. But the acceptance by the Colony of the obligation to contribute is an essential condition of your continuing to enjoy any such discretion.

I observe with much pleasure that in your speech made by the advice of your Ministers to the Assembly, you congratulate that body on the partial establishment of peace, and in speaking of the intended return of five regiments to England, express your trust and belief that those five regiments may be quickly followed by the remainder of the Imperial Troops; that you consider that the measures adopted by the Assembly have in a great measure relieved the financial embarrassment in which the Colony had been placed; and that you trust that you will be enabled to provide for the financial exigencies of the Colony without encroaching materially on the provision heretofore made out of the general ordinary revenue for the service of the provinces. I share sincerely in the satisfaction with which you observe the steady advance of the Colony in population and wealth; and rejoice that you see no reason for anticipating any check to this onward progress; and that you believe that it cannot fail to carry the Colony through difficulties, which you describe as temporary in themselves and already beginning to disappear. I notice, however, that you are silent on the subject of contribution for the Imperial Forces serving in the Colony; and in your Despatch of 19th July, No. 92,* you expressly say that it will be difficult for you to induce the Colonists to pay for forces which are in times of difficulty practically useless. I have also before me the memorandum of your Ministers dated 11th July, in which they assign their reasons for not recommending to the Colonial Parliament the expected appropriation, and although it appears to have been written in some measure under the same misapprehension as the memorandum of the 12th July, announcing their intended resignation, it has not yet been withdrawn. I do not, however, assume that your Ministers will not propose, or that the assembly will not make, the expected appropriation; but I feel that after the repeated declarations of your Advisers that they are anxious for the withdrawal of the troops, and the support almost unanimously given by the Assembly to your Ministers in this policy, the time has now arrived when it is incumbent on Her Majesty's Government to take care that this question is brought to a point.

I have, therefore, on the part of Her Majesty's Government once more to remind you that in the estimates submitted to the Imperial Parliament, this contribution has been assumed as the condition on which alone Imperial troops would be permitted to remain in New Zealand; and to say that while Her Majesty's Government are quite satisfied with the policy of your Ministers as declared in the resolutions adopted by the Assembly, they can no longer delay to take such security as lies in their power for the fulfilment of the expectations held out to the Imperial Parliament, and for the accomplishment of the policy adopted by the Assembly of New Zealand. They require you, therefore, immediately upon the receipt of this Despatch, to place at once at the disposal of the Officer commanding Her Majesty's forces in the Colony, with a view to their early removal from New Zealand, all the troops for whom no such appropriation shall have been made by the Assembly of New Zealand as was contemplated in the correspondence between this department and the late Colonial Treasurer, laid before Parliament in June 1864. In order, however, that full opportunity may be afforded to your Ministers to take such steps as in their opinion may be required by the state of the Colony, and that the due responsibility may rest upon them, I add the following qualification, viz., that if, when you receive this instruction, no such appropriation shall have been made, and you or your Ministers consider that the troops or any portion of them cannot safely be sent away, and are desirous forthwith to convene the Assembly and to obtain the appropriation, you are at liberty to allow sufficient time for this purpose, and no more.

The principal object of your Despatch of August 14th, No. 108,* appears to be the vindication of yourself and your Ministers against the observations of General Cameron. I could have wished that with his departure from New Zealand it had been possible to have closed this painful chapter; and at any rate, since you inform me you have more to say by the next mail, I need not occupy this Despatch with any further reference to the

* Page 149.

* Page 177.

subject. But among the enclosures to that Despatch are documents which cannot be passed by without remark.

It appears that your Ministers, treating as a payment in cash the debentures for 500,000*l.* sent home in March, arrive at the conclusion that the debt due from the Colony to the Imperial Treasury has been reduced to an insignificant amount. As soon as this statement shall have passed under the examination of Her Majesty's Treasury I shall acquaint you with the result. In the meantime, however, I must observe that the Imperial Treasury have not accepted, and are not empowered by Parliament to accept, as a payment in cash debentures which if sold at that time would have produced very much less than the sum they purport to represent. In order to avoid entailing upon the Colony the loss which such a sale would have occasioned, the Lords of Her Majesty's Treasury proposed the temporary arrangement communicated to you in my Despatch of 26th July, No. 54,* and in that of August 23d, No. 66*, (to which I am awaiting your reply). Another enclosure bears upon the very important subject of the advances which you have obtained from the Treasury chest for the pay and rations of the Colonial Forces. But as the information which you have supplied to me is still as yet fragmentary, I await any further explanation which may be included in the answer to General Cameron's memorandum, which you acquaint me I shall receive by the next mail. I cannot, however, permit this post to pass without noticing observations put forward by you in your memorandum of the 11th July, which has been communicated to me by the War Department, though not as yet by yourself. Those observations have been already to a certain extent answered by anticipation in my former Despatches, and in the Letters from the Lords Commissioners of the Treasury which I have enclosed in those Despatches. I am not aware that you ever had any authority for supposing that any such advances as you speak of from the moneys of the United Kingdom for the payment of the Colonial troops would be approved by Her Majesty's Government. But in the memorandum now before me you appear altogether to overlook the position of Her Majesty's Government in respect to the expenditure or the advance of public moneys. You refer to the practice of European nations in guaranteeing loans for their allies, or finding subsidies, but you do not appear to remember that the moneys out of which loans and subsidies are provided are in every such case appropriated to those objects by the Imperial Parliament. Military expenditure, when it cannot be specifically appropriated, is the subject of votes of credit obtained from the Imperial Parliament, and it is wholly contrary to the very practice to which you appeal for the Executive Government to apply moneys of the United Kingdom to those purposes without the previous sanction of Parliament.

* Pages 221,
227.

*Vide Appendix,
Page 269.

I trust that the clear and positive instructions which I gave you as soon as I heard that these advances had been recommended will have attained their end, and that the Colony will ere this have taken measures for replacing to the Treasury Chest moneys which ought not to have been drawn from it. Neither the Commissary General, nor the Lieut. General, nor you, nor Her Majesty's Government at home have authority to issue moneys from the Treasury Chest in exchange for the debentures of the Colony: that power, if exercised at all, belongs exclusively to the Imperial Parliament. These observations would have been, I think, unanswerable even if the subject had been new to Parliament; but, in the present case, the subject has been brought before Parliament, aid has been conceded to the Colony, and the terms of that aid have been rejected by the Colony.

I shall be most anxious to hear that the engagements into which your Ministers entered for the monthly repayment of these advances have been redeemed, and that your explanation is such as may enable me to justify the course which you have pursued.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Enclosure in No. 22.

SIR,

War Office, October 18, 1865.

I AM directed by Earl de Grey to transmit to you, for the information of Mr. Secretary Cardwell, the accompanying copy of a Despatch, with its enclosures, from Lieut. General Sir Duncan Cameron on the subject of the capture of the Wereroa Pah, and in explanation of his own proceedings in reference thereto.

I have, &c.

Sir Frederic Rogers, Bart.
&c. &c.

(Signed) EDWARD LUGARD.

NEW
ZEALAND.

MY LORD,

On board P. & O. Steamer "Yeddo,"
September 4, 1865.

I HAVE the honour to forward to your Lordship a copy of a letter and its enclosure, which I received before I left New Zealand, from Brigadier General Waddy, commanding at Wanganui, reporting the evacuation of the Wereroa Pah by the rebels on the 21st July last.

A Despatch from Sir George Grey to the Secretary of State for the Colonies reporting the operation which led to the evacuation of the pah, and a speech made by his Excellency at the opening of the General Assembly on the 26th July, were published before I left the Colony, and will reach Her Majesty's Government by this mail.

I beg to draw your Lordship's attention to them, and to the following remarks which I have to make in answer to the complaints which they contain,—

1st. Of the delay in attacking the Wereroa Pah, and

2d. Of orders stated to have been issued by me to Brigadier General Waddy, Lieut. Colonel Trevor, and the officers and men under their command, precluding them from taking any active part in the operations against the pah.

I would begin by observing that the most serious delay which has occurred was caused by the postponement of hostilities until January, by which three or four of the most favourable months for operations in this field were lost, and for that delay Sir George Grey alone is responsible.

In my Despatch to your Lordship of February last I explained to your Lordship my reasons for moving the column under Brigadier General Waddy's immediate command to the patea without attacking the Wereroa Pah, and in my Despatch of the following month I acquainted your Lordship with the instructions I had received from Sir George Grey to occupy the coast between Taranaki and Wanganui.

Of these instructions which defeated the object for which I moved General Waddy's column to the Patea, and which for a long time prevented any operations being undertaken which had the capture of the Wereroa Pah for their object, Sir George Grey makes no mention in his speech. They were given, I presume, with the concurrence, if not by the advice of the Colonial Ministers who, as well as Sir George Grey, were aware of my objections to the occupation of so large a tract of country by Her Majesty's troops.

A chain of posts having in pursuance of these instructions been established, which I was requested to occupy during the winter, Sir George Grey proposed to me in the month of May that operations should be commenced against the pah, and he gave me permission to abandon temporarily any of the posts on the coast which I might think necessary to enable me to assemble a force sufficient for the purpose.

In reply to this proposal I considered it my duty to represent that the rainy season having set in the operations of a regular attack would be extremely harassing to the troops, and from the impossibility of preventing the escape of the garrison the result would be only the capture of an empty pah. Intelligence, moreover, had been received through the friendly natives related to those in the pah that a large party were for giving it up, and I felt convinced that if a post were established near enough to observe the pah some opportunity would occur before long of obtaining possession of it, without assembling a large force for a formal attack, which at that time of the year it was desirable to avoid.

I, however, informed the Governor that I would comply with and carry out to the best of my ability any instructions which after that expression of my opinion he might think fit to give me for undertaking the siege of the pah.

Sir George Grey having declined to give me instructions I directed Brigadier General Waddy to construct a post at Nukumarū, and gave him a discretionary power to attack the pah if he saw a favourable opportunity of taking it by surprise or sudden attack. Brigadier General Waddy was aware of my objections to a formal siege of the pah at that time of the year, and concurred in them.

After the establishment of the post at Nukumarū all the reports I received from Brigadier General Waddy confirmed me in the opinion that the natives would surrender the pah. On the 17th July the Governor arrived in front of the pah and held a conference with the rebels. (Had he acquainted me with his intention of going to Wanganui I might have joined him there). On the following day the two principal chiefs gave themselves up to the Governor, another left the pah with his followers, and the whole professed a desire for peace. On the 20th July General Waddy wrote from Wanganui, "Mr. Parris and Captain McDonnell, who know the natives well, firmly believe that the pah will be given up."

Sir George Grey, however, thinking that he had reason to doubt their sincerity, broke off the negotiations, and having applied to General Waddy for reinforcements, sent the forest rangers and friendly natives to occupy the Karaka heights, a point about 1,000 yards from the pah, and on the same bank of the river.

The natives then evacuated the pah without firing a shot.

As their retreat was at the time perfectly open, the pah well provisioned, and as the party on the Karaka heights could not prevent the entrance of supplies and reinforcements into it from the opposite bank of the river, it may be inferred that they had no serious intention of defending the work.

Looking at the result I think there is no reason to regret that the pah was not attacked at an earlier period.

Had I done so I have little doubt that I should have lost many officers and men without gaining any greater advantage than has been obtained by its evacuation. Nothing had occurred when I left the Colony to warrant the Governor's statement that the delay had involved consequences fraught with disaster and led to fresh outbreaks in other parts of the Colony.

The fact is, that, except on the east coast, the natives had for many months remained on the defensive, and all the hostilities that had taken place in or near any of our settlements had been provoked by our invasion or occupation of their territory.

In regard to the east coast I had received no information for several months from the Governor or the

Colonial Ministers about the state of that part of the Colony; but as we have no settlements where the disturbances have taken place, and the loyal natives greatly outnumber the rebels, there would appear to be no necessity for our interference.

I heard, however, that the Colonial Government had supplied the loyal natives on several occasions with arms and ammunition and had sent a detachment of volunteers to co-operate with them, and it would appear from Colonel Green's report of the murder of Mr. Fulloon and two sailors on the east coast, that the Government had been endeavouring to raise the loyal natives against the rebels by the promise of sending troops to their assistance.

In regard to this murder and the two skirmishes at Taranaki, of which your Lordship will receive reports by the present mail, and in which you will perhaps consider that some valuable lives have been lost without any useful object, I would observe that large tracts of country having become confiscated, and occupied by us, and whole tribes of natives expelled from their lands, it is not surprising that some acts of atrocity should be committed by them for the sake of revenge when the Government give them the opportunity by sending their agents on such missions as that of Mr. Fulloon, and that when the Government having encouraged the officer in command at Taranaki to act independently of the officer commanding the troops, and to undertake any operations he may think proper without reference to him, the Governor must be considered responsible for any misfortunes that may occur in that province.

With regard to Sir George Grey's complaint that General Waddy, Lieut. Colonel Trevor, and the officers and men under their command had orders which precluded them from taking any active part in the operations against the pah, I beg to forward copies of a correspondence between General Waddy and myself on the subject, from which your Lordship will see how little foundation there was for such statement.

It appears, on the contrary, from General Waddy's letter, that whilst that officer was prepared to employ the troops under his command in any way that would conduce to the capture of the pah, Sir George Grey displayed very little anxiety for his co-operation, or for the arrival of the reinforcements he had requested him to send from Wanganui.

According to the Governor's Despatch it was at 2 o'clock in the morning of the 20th that he determined to commence operations against the pah at once, without waiting for reinforcements, and General Waddy being at that time at Wanganui, distant only 20 miles from the pah, Sir George Grey might easily have communicated with him by mounted orderly in two or three hours, and the reinforcements might have joined him on the afternoon of the 20th, or at latest on the morning of the 21st, before the pah was evacuated.

Sir G. Grey, however, did not think it necessary to acquaint General Waddy with the change he had made in his plans, or to communicate with him at all until after the evacuation of the pah, but left him under the impression that nothing would be attempted against the pah until he arrived with the guns and reinforcements from Wanganui.

And this is the more extraordinary as, if the position of Captain Brassey at Pipiriki was as critical and the necessity of marching to his relief as urgent as is represented in the Despatch, and if it was true that had a larger force been at the disposal of the Governor he would have been enabled to occupy a second point below the pah, and thus to cut off the retreat of the natives, he had the strongest reason for wishing that the reinforcements should join him with as little delay as possible.

In point of fact, however, no risk was incurred, nor any advantage lost by the non-arrival of the reinforcements from Wanganui. Captain Brassey's post was strong enough to defy any force the rebels could bring against it, and some days afterwards, when the communication with him was re-opened, he and his detachment were found perfectly safe. Nor would the occupation of the point referred to by Sir G. Grey have enabled him to cut off the retreat of the garrison, whose escape it would have been impossible to have prevented by night even if he had invested the pah on the right as well as on the left bank of the river, for which his force was not sufficient.

Had the pah been defended it would have been necessary to have attacked it in the manner stated in General Waddy's letter, or, what is more probable, by the sap.

I regret that the misrepresentations of the Governor have compelled me to trouble your Lordship with all these details, but, I hope in justice to myself, your Lordship will allow this letter to be published at the same time with the Governor's despatch and speech to the General Assembly.

I have, &c.

The Right Hon. Earl de Grey and Ripon.

(Signed) D. A. CAMERON,
Lieut. General.

SIR,

Wanganui, July 23, 1865.

As I am about to embark this morning for Wellington, I cannot write to you at such length as I should wish, but I cannot leave this place without expressing my thanks to you for the invaluable aid you afforded me by assisting me during the last few days to the extent that your instructions allowed.

The aid you thus gave me most materially conduced to the speedy capture of the pah, a point of the utmost importance to attain whilst Captain Brassey and his party were in such danger at Pipiriki.

Lieut. Colonel Trevor of the 14th Regiment with a detachment of 100 men of that regiment first arrived on the ground on the morning of the 20th instant. Lieut. Colonel Trevor and the officers and men of the 14th afforded every assistance in their power.

Lieut. Colonel Trevor was throughout in command of the troops. He acted with the greatest energy, and afforded on every occasion the most valuable advice and aid.

On the morning of the 21st a further detachment of the 14th (30 men) under Captain Furneaux,

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and a detachment of 50 men of the 18th, under Major Rooke, arrived on the ground; the officers and men of which detachment also afforded every aid in their power.

Brigadier General Waddy, C.B.,
Commanding Field Force.

I have, &c.
(Signed) G. GREY.

SIR,

Wanganui, July 25, 1865.

I HAVE the honour to forward, for the information of the Lieut. General Commanding the Forces, a letter to me from his Excellency the Governor, in which his Excellency expresses his thanks for the invaluable aid afforded him by the troops under my command, which I sent to assist the colonial forces and friendly natives in operations against the Wereroa Pa, which operations resulted in the evacuation of this strongly fortified place by the rebel Maories during the night of the 21st instant. One of the rebel chiefs, who surrendered on the 17th instant, stated there were 600 men in the pah, but it is generally thought there were not more than 150 or 200.

His Excellency speaks highly of the energy and intelligence displayed by Lieut. Colonel Trevor, 14th Regiment, who commanded the troops in front of the pa.

The Assistant Military Secretary,
Auckland.

I have, &c.
(Signed) R. WADDY, Brigadier General
Commanding Field Force.

SIR,

Head Quarters, Auckland, August 1, 1865.

IN his speech at the opening of the General Assembly, his Excellency Sir George Grey has stated that you and the officers and men under your command had received orders which precluded you from taking any active part in the operations against the Wereroa Pah. This I have positively denied in a letter which I have addressed to the Governor.

In my private letter to you of the 23d June, I mentioned that I thought it would harass the troops unnecessarily to make a formal siege of the Wereroa Pa by the sap before the month of September, an opinion in which you concurred; but so far from prohibiting active operations of any other kind, one of the objects for which the post at Nukumarū was established, was not to attack the pa with the troops occupying the post, as supposed by the Governor, but to enable you to observe the pa, and seize any favourable opportunity that might occur of making an attack upon it, for which troops could be quickly brought up from the nearest posts.

The Governor had been made fully aware of my objection to a formal seige of the pa at that season of the year, and it is evident that the question he put to you in his letter of the 19th July was intended to draw from you the answer in the negative, which you gave him.

When afterwards, in compliance with the request contained in the Governor's second letter, you moved 400 men up to the pa, I should feel obliged by your informing me whether you gave Lieut. Colonel Trevor orders which precluded him from taking any active part in the operations about to be undertaken, and whether there was any reason which would have prevented you, as the officer commanding Her Majesty's troops in the district, from taking command of the whole force, Imperial and Colonial, and directing the operations if you had thought proper, or if the Governor had expressed a desire that you should do so.

It was not then the case of a formal siege of the pa by sap; nothing of the kind was in contemplation. The Governor and yourself had been close up to the palisading of the pa on the day previous with impunity, the principal chiefs had surrendered, negotiations were going on, and there was little probability of serious resistance being made, as the result proved.

I shall feel obliged by your forwarding your reply to me under cover to the Officer Commanding at Melbourne, in order that I may receive it on my way to England.

Brigadier General Waddy, C.B.,
&c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut. General.

SIR,

Wanganui, August 7, 1865.

I HAVE the honour to acknowledge the receipt of your letter of 1st instant, No. $\frac{258}{65}$, and in reply I beg to inform you that on 19th July last, when I was at Nukumanu, and directed Lieut. Colonel Trevor, 14th regiment, to move to the camp in front of the Wereroa Pa with 100 men, I did not give him any orders to refrain from taking an active part in the operations against the pah which his Excellency the Governor had decided upon carrying on, in fact I did not think anything could be done till the 400 infantry and the guns and mortars were brought up. The 200 infantry from this got to the camp in the forenoon of 22d July, the guns and mortars were at the Waitotara Redoubt, a few miles from the pa, and I was on the point of starting from this to ride out to the camp on that day when the Governor arrived with the intelligence that the pah had been evacuated during the previous night, and that it had been occupied by the troops under Lieut. Colonel Trevor about daylight.

On my arrival in the camp I should of course have assumed the command of all the troops there, and directed such operations as I might have thought proper against the pa, and I am under the firm conviction that the Governor told me he intended to leave as soon as I arrived in camp. Although I declined to invest the place (which would have required a large force), and to commence a regular siege with the Imperial troops (without your orders), I certainly never contemplated their remaining passive spectators of what might take place.

When I ordered up guns to batter down the palisading of the pa, it was my intention to have made a sudden rush upon it with a joint force of Imperial and Colonial troops and friendly natives, when I could see the defences were sufficiently destroyed, and if I did not find there was too strong a force of rebels in it to render it rash or hazardous to attempt to take it in that way.

The Imperial Troops under Lieut. Colonel Trevor did all that was required of them. They held a position in front of the pa while the Colonial Troops and friendly Natives proceeded to occupy a position in rear of it, and Lieut. Colonel Trevor was quite prepared to employ his 200 men of the 14th and 18th regiments in any way he thought conducive to the speedy capture of the pah. I had told him (in course of conversation at Nukumarū) that I had your permission to attempt to take the pa by a coup de main if I thought fit.

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Lieut. General Sir D. Cameron, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) R. WADDY, Brigadier General
Commanding Forces.

No. 23.

No. 23.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 90.)

SIR,

Downing Street, November 20, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch No. 111,* of the 30th of August, enclosing for my information a copy of a letter which had been addressed to you by certain chiefs of Turanga who are kindly to your Government. * Page 181.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

EDWARD CARDWELL.

No. 24.

No. 24.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 92.)

SIR,

Downing Street, November 22, 1865.

I HAVE to acknowledge the receipt of your Despatches, Nos. 118 and 119,† relating to the rapid successes of Her Majesty's Colonial Forces and of the friendly Natives against the authors of the disturbances upon the East Coast of New Zealand, which commenced with the murder of the Reverend Mr. Volkner. I share sincerely in the hope which you express, that these successes will bring the disturbances shortly to a close, and request that you will convey to Captain Fraser and to the Chief Te Mokena the assurance that Her Majesty's Government receive with great pleasure your report of the gallantry and skill displayed by them and by the officers and men who have been engaged, and highly appreciate the value of the services thus rendered to the cause of order. † Pages 204, 206.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 25.

No. 25.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 93.)

SIR,

Downing Street, 27th November 1865.

I HAVE received your Despatch No. 117, of September 14,‡ containing the financial statement of the Colonial Treasurer. I have perused that statement, as you anticipate, with much interest, especially those portions of it in which he speaks of the rapidly increasing income of the Colony, its large resources, and the increased wealth and consuming power of its population; and more particularly the concluding remark, that when the Assembly endorsed the policy of the Government it must have been aware that such a policy carried with it financial consequences, and was understood to be a policy of "reliance on our own resources." At the same time I have felt it to be my duty to submit the statement to the examination of the Lords Commissioners of the Treasury, and have now to enclose to you the letter in which they have conveyed to me their observations upon it. ‡ Page 186.

Nov. 18, 1865.

NEW
ZEALAND.

You will see that they propose to communicate further with me after obtaining from the other departments in this country more complete information in regard to the liabilities of New Zealand towards this country. But in the meantime they have thought it right at once to call my attention to certain points with a view to my asking you for the necessary explanations.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Encl. in No. 25.

Enclosure in No. 25.

SIR,

Treasury Chambers, November 18, 1865.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Mr. Secretary Cardwell, that my Lords have had under their consideration the financial statement of the New Zealand Government, which was submitted to the Colonial Legislature on the 30th of August last, a printed copy of which paper was transmitted to this office in your letter of the 11th instant.

As my Lords are quite unable to concur in the view of the obligations of the New Zealand Government which this document presents, they think it right at once to call the attention of the Secretary of State to some of the more important omissions and errors which it contains, with a view to explanations being called for from the Colonial Executive.

In the first place, their Lordships desire to call Mr. Cardwell's attention to the statement of account No. 9, on page 19 of the printed copy, in which it is erroneously stated that the Colonial Government has paid to this Board, and that Her Majesty's Government have accepted, debentures amounting to 500,000*l.* (at 4 per cent., having 50 years to run), taking credit for the full sum in sterling as if that amount had been actually realized by such payment in debentures, whereas it is shown in the account No. 6, page 16, that New Zealand debentures raised under the same Loan Act of 1863, amounting to 1,000,000*l.*, and bearing 5 per cent. interest, were disposed of by the crown agents for the colonies in London for the account of the Colonial Government at a discount of nearly 20 per cent. It appears, moreover, by a statement on the same page of the account that while the Colonial Government were assigning debentures to the Imperial Government *at par* (bearing 4 per cent. interest and 50 years to run), they were disposing of their debentures under the Debenture Act of 1864 at only a fraction of premium, although they were for short dates and at 8 per cent. interest.

My Lords had already informed the Secretary of State, upon the occasion of these debentures for 500,000*l.* having been offered by the Colony towards the liquidation of its debt to the Imperial Government, that this Board has no power, without the express authority of Parliament, to accept securities of this description in lieu of cash, and that they only accepted the debentures "as collateral security for the debt," and their lordships presume that this condition of acceptance must have been communicated to the colony.

With reference to the statement in account No. 9 (at page 19) "that the Imperial Government is charged with a sum of 85,891*l.* 10*s.* 4*d.* as an admitted error of account," my Lords have to observe that this sum is represented by the Commissary General to be, so far as he is aware, one properly chargeable to the Colony, but as there is some complication in the accounts as regards this item, their Lordships consider that it will be desirable to suspend any claim on this account until it shall have been further investigated. There remains, however, the old outstanding claim of 67,927*l.* 5*s.* 9*d.* for Fencibles, which has been altogether omitted from the account now under consideration, but which my Lords are of opinion should clearly be included in any comprehensive statement of the liabilities of the Colonial to the Imperial Government.

As regards the charge against the Imperial Government on the debit side of the account, amounting to 107,169*l.* 1*s.* 1*d.*, stated to be for "contributions for Military Protection remitted by Her Majesty's Government," my Lords have to remark that no unconditional remission of the capitation rate for the Queen's troops in New Zealand was ever made, but that certain conditions, as to the annual expenditure of 26,000*l.* for native purposes and for the discharge of colonial debts, were imposed by the Treasury Minute of the 24th of May 1862, which, to this day, have not, as my Lords are informed, been carried out, and it will remain for consideration whether under these circumstances the entire capitation rate which is strictly due to Her Majesty's Government should not be enforced.

There is a third debit against the Imperial Government in this account (No. 9) amounting to 80,000*l.* stated to be the "proportion of the Transport Service on the Waikato and other claims," about which my Lords have no information such as would justify them in admitting this item in diminution of the liability of the Colonial Government.

In the same account the Colonial Government admit a charge against the colony of 741,466*l.* 14*s.* 7*d.* (subject to the further investigation of the item 85,891*l.* 10*s.* 4*d.* stated to be "admitted error of account"), but my Lords wish to call the attention of Mr. Cardwell to the fact that the account of advances made from the Treasury chest is incomplete, that it contains only one small advance on account of the current financial year, whereas Commissary General Jones states, that advances at the rate of 15,000*l.* a month have been made by him, and no credit is given in respect of any contribution on account of Queen's troops for that period.

My Lords propose at once obtaining from the War Office, the Admiralty, and the Audit Office more complete information than they at present possess in regard to the liabilities of New Zealand to Her Majesty's Government, up to the very latest date to which the accounts in this country will carry it, and they will communicate the same, when in proper shape, to the Secretary of State.

I am, &c.,

Sir Frederic Rogers, Bart.,
&c. &c.

(Signed) HUGH C. E. CHILDERS.

No. 26.

NEW
ZEALAND.
—
No. 26.COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 97.)

SIR, Downing Street, November 27, 1865.

By the present mail I have received the New Zealand Gazette which contains your Proclamation announcing to the Natives of New Zealand that "the war which commenced at Oakura is at an end." I need scarcely say that I receive this announcement with great satisfaction.

I have also received the Financial Statement of your Treasurer, leaving it no longer open to doubt that your Ministers decline to propose to the Assembly the capitation charge, on the footing of the correspondence between this Department and the late Colonial Treasurer in May 1864.

Under these circumstances Her Majesty's Government have determined that the force of regular troops in New Zealand should at once be reduced to a strength not exceeding three battalions of infantry and one battery of artillery; and the Secretary of State for War by this mail instructs General Chute to take steps without delay for the purpose of carrying that determination into effect.

You will understand that even this reduced force will not remain unless by request of your Ministers, and upon their undertaking to propose to the Assembly the required capitation charge.

I have repeatedly declared to you the wish of Her Majesty's Government that the policy embodied in the resolutions of the New Zealand Assembly of December 1864 may be completely carried into effect. I trust, therefore, that nothing will have occurred to vary this policy on the part of your Ministers, or to make them desire to retain in New Zealand these three battalions and one battery, or any smaller portion of the force. In order, however, to guard against the risks which might attend an altered state of circumstances in the Colony, and to provide for a consequent possible change in the views of your Ministers, Her Majesty's Government have thought it prudent still to entrust you with the power of retaining in the Colony three battalions and one battery if it shall be the wish of your Ministers and of the Assembly to make the appropriation for them. In this event, it will be your duty to communicate your determination to General Chute, and forthwith to convene the Assembly, if not then in Session, and obtain the appropriation. It is the fixed purpose of Her Majesty's Government that no Imperial troops shall remain in New Zealand for whom this appropriation shall not have been made.

If, as I trust will be the case, there shall be nothing in the state of the Colony which induces your Ministers thus to detain this portion of the force, General Chute will proceed, under his instructions from the Secretary of State for War, to remove the whole.

The Gazette also contains a statement of Districts which you have proclaimed under the New Zealand Settlements Act. I have already told you that Her Majesty's Government would not approve the protection by Imperial troops of land taken from the rebels, and that you were expected to include in the land taken for settlement no greater an extent than you were prepared to defend with a colonial force. The reduction now made in the whole number of the Imperial troops remaining in the Colony renders it necessary that these troops should be concentrated; and you will, if you exercise the power with which you are entrusted in respect of the three battalions and one battery, or any portion of them, take care, in concert with the General in command, that they are not left in distant and isolated posts.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 27.

No. 27.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 99.)

SIR, Downing Street, November 27, 1865.

WITH reference to my Despatch of this day's date, No. 93,* I have the honour to
transmit for your information a copy of a further letter from the Board of Treasury

*Page 257.

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upon the subject of the liabilities of the Colony of New Zealand to the Imperial Government.

Governor Sir George Grey K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD CARDWELL.

Encl. in No. 27.

Enclosure in No. 27.

SIR,

Treasury Chambers, November 27, 1865.
WITH reference to the letter from this Board of the 18th instant, on the subject of the debt due by New Zealand to Imperial funds, I am desired by the Lords Commissioners of Her Majesty's Treasury to state, for the information of Mr. Secretary Cardwell, that their Lordships have this day received from the War Department an account of the sums due for advances out of Annual Army Votes and Treasury chest, together with an estimate of probable further advances, bringing the whole down to 31st October last.

It appears from this account that, irrespective of the capitation rate, there is due under the head of "general charges," a sum of 675,828*l.* 12*s.* 1*d.*, not including the outstanding claim for the Fencibles, for the period from 1847-8 to 1858-9, namely 67,929*l.* 5*s.* 9*d.*

The above is also exclusive of any charges incurred in the Naval Department, and chargeable to colonial funds, their Lordships not having as yet received from the Admiralty a complete account of such charges.

I am to add that their Lordships trust to be able to furnish the Secretary of State, in sufficient time for full consideration before the mail of the 26th December, a more complete statement of the liabilities of the Colony to Her Majesty's Government.

Sir F. Rogers, Bart.,
&c. &c.

I am, &c.
(Signed) HUGH C. E. CHILDERS.

No. 28.

No. 28.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 103.)

SIR,

Downing Street, November 27, 1865.

I HAVE the honour to transmit to you an extract of a letter which has been received from the War Department respecting the payment from the Treasury chest of a sum of 150*l.* to Mr. Alexander, a settler, in compensation for damage done to his property by certain of Her Majesty's troops while encamped thereon.

The liability to indemnify persons who may suffer losses of this kind, which in a state of war are almost unavoidable, is not one which Her Majesty's Government can adopt. It appears to me to be a subject for the consideration of your Advisers, and I have expressed this opinion to the Secretary of State for War.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD CARDWELL.

Encl. in No. 28.

(EXTRACT.)

SIR,

War Office, November 21, 1865.

IN laying these papers before Mr. Secretary Cardwell, I am to request that you will state that the attention of Earl de Grey has been called to the necessity of defining with accuracy how the war expenditure in New Zealand should be divided. Earl de Grey would suggest that, instead of such advances being made from the Treasury chest, to be afterwards recovered from the Colony, every expense beyond certain specified items (such as pay, allowances, and provisions of Imperial troops) should be defrayed by the Colony, and be afterwards recovered on due authority from the Imperial Government when shown to be fairly an Imperial charge.

No. 29.

No. 29.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 104.)

SIR,

Downing Street, December 23, 1865.

WITH reference to my Despatch No. 76, of the 22d of September, respecting the purchase at Waitotara, I have the honour to transmit for your information the accom-

panying copy of a letter addressed to Sir D. Cameron by Mr. Field, a settler at Wanganui, offering a full and specific account of the whole of the circumstances attending the transaction.

I have thought it best to place you in possession of this letter, as the statements which it contains may be the means of guiding your inquiries, and facilitating the preparation of the report which I have requested you to furnish me on the subject.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Enclosure in No. 29.

Encl. in No. 29.

SIR,

Wanganui, New Zealand, September 7, 1865.

IN the correspondence between yourself and Sir G. Grey, lately published, several references to the Waitotara purchase occur, and in one of your later letters you mention an intention of bringing the matter under the notice of the Home Government. To prevent any possible mistakes in so doing, I have ventured to trouble you with the following history of the affair.

The Ngarauru tribe, who own the country from Kaiwi nearly to Patea, were for many years conspicuous for their friendship to the settlers. During the Wanganui war several settlers with their stock sought refuge at Waitotara, and were for some years protected from harm. In common with the bulk of the native tribes in this part of the colony, the Ngarauru retained their independence, having never been parties to the treaty of Waitangi, or in any way submitted themselves to British authority.

During many years a correspondence on the subject of selling land was kept up between them and Mr. McLean, the land purchase commissioner. The four principal chiefs of the tribe, being all childless, wished to sell and get their share of the proceeds, but the bulk of the tribe, though perfectly ready and even desirous to sell if they could have done so in open market to the highest bidder, objected to part with their property to the crown at a few pence per acre, that the latter might make a revenue by retailing it to settlers at a pound per acre or upwards. They were, however, by no means determined even in this, but would have waived the point, if they could have seen their way to getting an equivalent in some other form. For example, from 1850 to 1853 they were very anxious to sell a large block on the north side of the river, and would have done so if Mr. McLean would have guaranteed them the formation of a township between Te Thupuku and the sea, their idea being that the benefit of a home market for their produce would compensate them for the low price he was willing to give them for the land. During my six years residence among them, I constantly had land offered me for sale, and was often urged to buy it, but was prevented from doing so by the law giving the Government the monopoly of purchase, and I know that the Wesleyan missionary stationed there was actually in treaty for a piece of land as a site for a permanent mission station, but was not allowed to buy it.

At length, in 1856, a law was passed under which natives owning reserves within a purchased block could lease them through commissioners appointed for the purpose. This law was the thin end of a wedge, the first step taken by the colonists to break down the system of government land purchase monopoly, which was keeping the natives in barbarism by impeding the settlement of the country. The Waitotara natives at once responded. They considered that by selling a block, and keeping back large slices of the best land as reserves, they might get a rental which would make it worth their while to accept the low government price for the remainder. They accordingly offered for sale what is now known as the Waitotara block, and the bargain was to all appearance struck when Mr. McLean came to Wanganui with Governor Sir T. G. Browne in 1858. The negotiation was, however, entirely conducted in the Rutland Hotel, and Mr. McLean concluded the bargain without going on the ground, or having more than a vague general idea of it from a casual glimpse of it in passing down the coast a few years before. He first agreed to give 1,500*l.* for a block extending inland as far as Weraroa, and subsequently an additional 500*l.*, to have the boundary at the Waitotara end taken to a point nine miles higher up the river. He was evidently ignorant that from the windings of the river this point was only about three miles inland of Pa Karaka, and seems to have supposed that the reserves which he had agreed to within the block were merely little patches for the Maoris' own use. Accordingly, when the surveyors sent in the rough plan of the block, he found it far smaller than he expected; that it contained a far larger proportion of sandhill and broken bush; and that of the best open land an immense share was taken up by the reserves, which he then demanded should be given up or curtailed. The natives declined, and offered to return the 500*l.* that had been paid as a deposit, but Mr. McLean refused to take it. For some time (nearly 18 months I believe) the matter remained in dispute. Mr. McLean would neither pay the balance and complete the purchase, nor take back the deposit and cancel the bargain. At length a chief named Te Kepa (a nephew of the head chief Aperahama) was sent to Wellington or Ahuriu to see Mr. McLean, and endeavour to come to a settlement. He failed to do so, and on his return a meeting of the tribe was held, at which, after hearing his report, it was decided to declare the bargain at an end and the deposit forfeited, and from an idea of strengthening themselves in so acting, the tribe then joined the King party. When the Waitara war began, the Ngarauru took part in it, not only as belonging to the Kingites, but on account of being closely related to the Ngatiawa tribe, and of having a somewhat similar dispute with the Government.

Matters remained in this state till Dr. Featherston was appointed land purchase commissioner for this part of the island, and he, being naturally desirous of purchasing land for the province of which he was superintendent, visited Waitotara and endeavoured to re-open the negotiation. The natives at once said that as the matter had been complicated by the war, and by the land having been made over to the Maori king, it must remain as it was till the war was ended; that they had heard of him as taking their part in the Assembly, and if he liked to see them again when peace was made they would treat with him. He, however, wished to hasten the purchase, and after one or two interviews he offered a

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further sum of 500*l.* for the land. This tempted the Pa Karaka natives, who owned little or none of the block except what was included in their own reserve, which they hoped to let, and they accordingly advocated selling. The matter was accordingly referred to the Kingite authorities at Ngaruawahia, the head chief Aperahama going there to argue the question on one side, while Rio, a pushing ambitious man of low origin and no principle, did so on the other. The Kingite magnates seem to have behaved very liberally, declining to retain land which had been the subject of a purchase negotiation, and on which a deposit had been paid, and desiring the tribe to give it up rather than put it in the power of the Pakehas to say, however falsely, that they had repudiated a bargain. Dr. Featherston obtained, through Chas. Broughton and Pehi the Wanganui chief, a report of the discussion and decision, and armed with this he again went to Waitotara, and called on the natives to obey the Kingite mandate. They refused to do so, and there can be no doubt that if Dr. F. had acted wisely, and let the land question remain in abeyance, he might have taken advantage of the disgust felt at the King authorities turning against them, to detach the tribe altogether from the Kingite party. Instead of this, however, his anxiety to get the land, and the credit of having concluded the purchase where McLean had failed, led him to ignore the claims of the bulk of the owners on the score of Kingism, and to treat with the Pa Karaka natives only, notwithstanding the fact that they were equally Kingites and concerned in the war, Rio himself having been shot in the leg at Waireka. In acting thus he was backed by some of the Wanganui natives who had small collateral interests in the land, and the upshot was that when the money paid by Dr. Featherston was divided, the bulk of it, from the Waitotara natives' claims being ignored, passed into the hands of the Putiki and other Wanganui Maoris. The final deed of sale is signed by a totally different set of men from those whose names appear on the original agreement with Mr. McLean, the names of all the leading chiefs appended to the first deed being wholly wanting in the later one. The Waitotara natives warned Dr. Featherston that if he paid the money he should not have the land, but they nevertheless acted with great moderation in their opposition. Even when the road was formed across the block, they contented themselves with watching and protesting against it, so long as it was on land in respect of which the money had been paid, or on the Pa Karaka reserve, and only stopped it when it reached the boundary of the Nukumarū reserve, which belongs to Hare Tipene, and which there could not be the slightest pretext for saying the Government had a right to meddle with. They even kept their Waikato allies from interfering with the road party, and when the latter were attacked during the stay of the troops at Alexander's Farm, it was not by Waitotara natives but by the Wanganui natives who had left Kaiwaiki for Weraroa rather than obey the order to take up their quarters at Putiki. When Rio was killed by the Waikatos, it was not till after he had made himself conspicuous on the occasion of General Waddy's reconnaissance of the Weraroa, and was as much in revenge for his having been with the troops in the Waikato as for his acting as a spy, and his connexion with the sale of the land. When some of the settlers were out examining the Waitotara block after it had been announced for sale, the Nukumarū natives even when warning them not to do so, and not to dream of purchasing, invited them into the pa and entertained them most hospitably. In fact to the last the best feeling prevailed between the Ngarauru and the settlers at Wanganui. During your own operations your forces were not interfered with till you crossed the Nukumarū reserve boundary, but then you were attacked at once, as trespassing on land to which the Government could have no possible shadow of a claim.

The Waitotara purchase is merely a sample of the affairs which have led to the war. It has its origin entirely in the monstrous system of government land-purchase monopoly; a system devised by the first governor of the Colony, partly to keep foreigners out of the country, partly to bolster up the government settlement of Auckland by impeding the colonizing efforts of the New Zealand Company, partly to please the missionaries by preventing settlers from overspreading the Colony, but mainly to get revenue and keep down the subsidies which the Home Government must have otherwise granted in aid of the colonial expenses.

The evil and the danger was seen by the settlers from the very first, and Governor Fitzroy, as long ago as the year 1844 or 1845, was induced to give up the monopoly and throw open the trade in land, but for so doing he was recalled, and Governor Grey sent out to restore the old system. The only hope for the Colony is for the Home Government to interfere, and forbid the Colonial Governments, whether general or provincial, from trafficking in native lands. So long as a profit from this source forms part of the provincial revenues, all sorts of dodges will be worked to get lands to sell. Throw open the trade, and in a very few years settlers will overspread the whole island, and the interests of the two races become so identified as to render war impossible. It is the greatest mistake possible to suppose that settlers wish the Government to acquire land for them. On the contrary, all we ask is to be let alone, and then we can buy the land directly from the natives to the satisfaction of all parties, and the increased customs revenue will far more than make up for the loss of the land profits.

The great difficulty we have to contend with is, that Dr. Featherston and a few more old government officials are so wedded to these profits, that they will not give them up until compelled, and so throw every impediment in the way of inaugurating a better system. Their talents in other respects, and their official experience, give them such weight in the Assembly, and with successive governments, that they are enabled to get their own way in this point, and the more so that few government ministers really care much for justice to the native race.

Feeling sure that you will excuse my troubling you with these lines,

I remain,

Your obedient servant,

Lieut.-General Sir D. A. Cameron, K.C.B.

H. C. FIELD.

&c.

&c.

&c.

No. 30.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

NEW
ZEALAND.
No. 30.

(No. 105.)

SIR, Downing Street, December 26, 1865.

I HAVE the honour to transmit, for your information, a copy of a letter from the War Department, respecting an additional expense which has devolved on the Commissariat chest through the hire of a steamer, rendered necessary by the occupation of two new stations on the Wanganui river by Her Majesty's troops.

You will by this time have received repeated intimations of my desire that no operations should be undertaken whether in the formation of roads, the extension of settlements, or otherwise, which will render more distant the time at which the troops of Her Majesty can be withdrawn from the Colony, and in my Despatch of the 27th ultimo, No. 97,* I impressed on you the necessity of concentrating those troops that might be left in New Zealand.

* Page 259.

Her Majesty's Government cannot allow charges of the nature referred to by the Commissariat officer in the correspondence which is inclosed, to be thrown upon the Commissariat chest, and the Commissariat officer will be instructed by this mail that he is to bring to an end the arrangements for maintaining inland transport at the expense of the Imperial Government.

I have, &c.

(Signed) EDWARD CARDWELL

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

Enclosure in No. 30.

War Office,
November 20, 1865.

Encl. in No. 30.

SIR, I AM directed by the Secretary of State for War to transmit to you, for the information of Mr. Secretary Cardwell, the accompanying copy of a letter which has been received from Commissary General Jones in New Zealand, together with its enclosures, in which he reports the circumstances under which he had found it necessary, with a view to the efficient supply of the two new positions occupied by the troops on the Wanganui river, to engage the services of the steamer "Montoa" at a monthly subsidy of 275*l*, exclusive of coals.

I have, &c.

(Signed) DOUGLAS GALTON.

Sir Frederic Rogers, Bart.,
&c. &c.

Sub-enclosure 1 in No. 30.

Sub-Encl. 1.

Commissariat, New Zealand,
Auckland, September 5, 1865.

SIR, I HAVE the honour to report, for the information of the Secretary of State for War, that in consequence of the occupation of two new positions on the Wanganui river by Imperial troops, distant 50 and 80 miles respectively from the township, it has been found absolutely necessary for their efficient supply that an additional steamer should be placed at the disposal of this department, to be employed in the Wanganui district.

Deputy Commissary General Strickland's letter (copy enclosed) will clearly show the difficulties of carrying on the supply of the forces in the district in his charge with the small steamers which he had at his disposal, for both of which there was more than sufficient work. Mr. Strickland does not name the steamer "Favourite" which has been running on the coast.

To meet the emergency of the service, which was totally unexpected, I obtained from the agent of the Colonial Government at Auckland the use of the steamer "Montoa," which has been hitherto employed on the Waikato river for a monthly subsidy of 275*l*, this department also finding coals.

In order to avoid delay I accepted this offer, and reported my proceedings to the General Officer Commanding, but I have not had any intimation of the approval of the arrangement, which is no doubt reserved pending Major General Chute's arrival in the Colony.

I have, &c.

(Signed) H. STANLEY JONES,
Commissary General.

The Under Secretary of State for War,
War Office, London, S.W.
Commissary General-in-Chief.

Sub-enclosure 2 in No. 30.

Sub-Encl. 2.

Commissariat, New Zealand,
Wanganui, August 11, 1865.

SIR, WITH reference to my letter, No. ²⁴³/_C, dated 8th August 1865, I have the honour to inform you that consequent on orders received by the Officer Commanding the Forces from His Excellency the Governor, I have been directed to provide for a garrison of 300 rank and file at Pipiriki, and one of 100 at Corinth, situated respectively 80 and 50 miles up the Wanganui river.

NEW
ZEALAND.

To carry out these orders it will be necessary to organize a regular transport service of canoes, aided by a steamer.

I purpose establishing a depôt at Parakino, 30 miles from Wanganui, or if possible at Corinth, 20 miles higher. Up to the former point the river is nearly at all times navigable for steamers such as the "Gundagai," and with favourable weather and tides this steamer can reach Corinth.

I cannot employ the "Gundagai" on the Wanganui river, and I believe the "Koheroa," now employed on the river Waikato, would be more adapted for it.

I would therefore suggest to you, either that the "Koheroa" be placed at my disposition for the navigation of the Wanganui, or that the "Sturt" be handed over to me for coast service, thus enabling me to keep the "Gundagai" for river service, for which, considering her condition, she is best adapted.

I have, &c.,
(Signed) ED. STRICKLAND,
D. C. G.

Commissary General H. Stanley Jones, C.B.

SIR,

Commissariat, New Zealand.

THE establishment of new posts upon the Wanganui river having rendered it absolutely necessary to secure the services of a steamer to carry out the supply of the force stationed at them, and as I am informed that the steamer "Montoa," now employed on the Waikato, is well adapted for such a service, I have the honour to request you will acquaint me if the Colonial Government will be disposed to place that vessel at the disposal of this department free of charge, and, if not, will you be good enough to state the terms upon which she can be obtained for the service above mentioned.

I have, &c.,
(Signed) H. S. JONES,
C. G.

To Hon. Dr. Pollen,
Agent for General Government,
Auckland.

Office of Agent for General Government,
Auckland, August 17, 1865.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of date 16th instant, in reference to the employment of the steamer "Montoa," and to forward for your information copy of a report upon the subject from Captain Caddell, superintendent of river transport.

My instructions with respect to the Waikato river steamers are to cause them to be laid up, and to put an end to all charges upon the Colonial Government on account of the establishment for river transport.

I purpose to send your letter by the mail to-morrow to the Honourable the Minister for Colonial Defence, but, if the necessity of the case is such as to make a reference to Wellington inconvenient, I trust you will see that it would not be possible for me at present to assent on behalf of the Government to any other arrangement than that recommended by Captain Caddell.

I have, &c.,
(Signed) DANIEL POLLEN

To the Commissary General,
Auckland.

SIR,

Auckland, August 17, 1865.

WITH reference to the Commissary General's letter, dated 14th instant, referred for my report, I have the honour to state—

1st. That in my opinion the Colonial Government could not at present place the steamer "Montoa" at the service of the commissariat "free of charge."

2nd. I opine that the Honourable the Defence Minister would be quite willing to employ her for the conveyance of commissariat supplies, &c., &c. on the Wanganui river, "i. e." on the same footing as the colonial steamer "Gundagai," viz., a fair monthly subsidy and coals.

3rd. That this monthly subsidy should not be less than 275*l*.

4th. That the steamer, valued at 1,400*l*., should be at the risk of the Imperial Government on the passage to Wanganui from Port Waikato, all due care being exercised in her navigation.

5th. That if the Commissary General thinks fit at once to accept this proposition, the "Montoa" would probably be ready to leave about Saturday under convoy of the colonial steamer "Sturt," and shall the weather prove moderate, she would reach Wanganui within 48 hours after departure.

I have, &c.,
(Signed) F. CADDELL.

The Hon. Dr. Pollen,
Agent for the General Government,
Auckland.

Commissariat, New Zealand,
Auckland, August 18, 1865.

SIR,

WITH reference to your letter of yesterday's date, No. 85, and its enclosure from Captain Caddell, containing the terms upon which the "Montoa" can be placed at the disposal of the Imperial Government, I have the honour to acquaint you that I accept the terms stated, the arrangement to be of a temporary nature, pending the approval of the General Officer Commanding.

The payment of the subsidy to commence from to-morrow the 19th instant.

I have, &c.,
(Signed) H. STANLEY JONES,
D. G.

To the Hon. Dr. Pollen,
Agent for General Government,
Auckland.

No. 31.

NEW
ZEALAND.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

No. 31.

(No. 108.)

SIR, Downing Street, December 26, 1865.

I HAVE to acknowledge the receipt of your Despatch of the 4th October, No. 121, * Page 208. in which you point out that the words "nothing is more to be desired than that the " Colony should rely as much as possible on its own resources, energy, and courage," which, in my Despatch of the 26th† July last, I quoted as having merely received your † 217. concurrence, were in fact your own.

I readily accept the correction. It does not impair, but rather strengthens my statement for the object with which it was made, the object—namely of showing the general concurrence of Imperial and Colonial authorities in that policy, which it was my own desire to enforce.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 32.

No. 32.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 109.)

SIR, Downing Street, December 26, 1865.

I HAVE the honour to acknowledge the receipt of your Despatch No. 120,* of the * Page 207. 23rd September, bringing under notice the services rendered by Captain Hope of Her Majesty's Ship "Brisk" and by the officers and crew of that vessel on the occasion of an expedition of Colonial Troops to Opotiki, to punish the murderers of Mr. Volkner.

I have had much pleasure in forwarding a copy of your Despatch for the information of the Lords Commissioners of the Admiralty, and I should wish you to convey to Capt. Hope my acknowledgments for the valuable assistance he has rendered to the Colonial Government.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 33.

No. 33.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 110.)

SIR, Downing Street, December 26, 1865.

I HAVE to acknowledge the receipt of your Despatch No. 125,* of the 14th October, * Page 209. forwarding a copy of the Proclamation which you issued on the 2nd September last, announcing to the Natives the desire of the Government to regard the war as ended.

I have received with satisfaction the announcement conveyed in this Proclamation that the war is terminated, and that no more lands belonging to the Natives would be confiscated on account of the war.

I must, however, remark that I should desire to receive definite information as to the extent to which confiscation has been carried.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

NEW
ZEALAND.

No. 34.

No. 34.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 111.)

SIR,

Downing Street, December 26, 1865.

I HAVE the honour to inform you that a copy of your Despatch No. 107*, of the 14th of August last, requesting that an inquiry might be instituted into the charges made by Sir D. Cameron against Colonel Warre, was communicated through the War Office to His Royal Highness the Commander-in-Chief, who has decided that the views taken by Sir D. Cameron on the subject are correct.

I have, &c.,

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 35.

No. 35.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 112.)

SIR,

Downing Street, December, 26 1865.

I HAVE to acknowledge the receipt of your Despatch of the 14th October last, No. 127,* reporting the murder of a Native named Kereti who had been sent by Brigadier-General Waddy to make known to the rebel Natives between Weraroa and the Patea, the Proclamation which you issued on the 2nd of September, and the subsequent, but too probable, murder of Mr. C. Broughton, who had also been sent by the Brigadier General to the rebel Natives near Kakarama who hoisted a white flag for the purpose of communicating with him regarding that proclamation.

I have received this intelligence with very great regret.

I have &c.,

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed)

EDWARD CARDWELL.

No. 36.

No. 36.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 113.)

SIR,

Downing Street, December 26, 1865.

I HAVE received your Despatch No. 126,* of the 14th of October, announcing that Mr. Weld and his colleagues had resigned, and that you had commissioned Mr. Stafford to form a new Government.

It is very desirable you should clearly understand that no change of ministry in New Zealand will affect the views of Her Majesty's Government in respect to the policy embodied in the Resolutions of the Assembly of New Zealand in December 1864. Having accepted with entire satisfaction that policy, Her Majesty's Government intend to adhere to it, and to be guided by it.

I had hoped to have received by this mail your report upon the advances referred to in my Despatch of 26 July, No. 54,* and to have learnt that measures had been taken for their repayment.

I am glad to learn that steps were at length being taken to give effect to the instructions of Her Majesty's Government with respect to the five regiments: that the 65th had already left the Colony, and that Major-General Chute was making arrangements for the 70th, 68th, 43rd, and 40th. My subsequent Despatches will have informed you of the determination at which Her Majesty's Government have arrived with respect to the remainder of the force. That determination, doubtless, Major-General Chute will have taken measures for carrying into effect.

If you shall have thought it necessary to act upon the authority entrusted to you, of retaining in the Colony three battalions and one battery, on the terms mentioned in my Despatch of Nov. 27th* you will understand that, as I have formerly stated to you, that

* Page 176.

* Page 211.

* Page 210.

* Page 221.

* Page 259.

force must be considered as a reserve to come to the protection of any district against a sudden and unexpected danger, and not as the permanent force by which the protection of any newly acquired district is to be secured in ordinary times. Her Majesty's Government cannot permit these troops to be dispersed in distant and isolated posts, nor allow the cost of inland transport to be a charge upon Imperial funds.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL.
&c. &c. &c.

NEW
ZEALAND.

No. 37.

No. 37.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 3.)

SIR, Downing Street, January 8, 1866.

I TRANSMIT to you for your information, and with reference to your Despatch No. 127* of the 24th October last, a copy of a letter from the War Office, enclosing one from the Horse Guards, containing the opinion of H.R.H. the Field Marshal Commanding-in-Chief, respecting the reasons alleged by Brigadier-General Waddy, for delaying to effect the immediate punishment of the murderers of the native "Kereti" and of Mr. Broughton in the Wanganui district.

* Page 211.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL.
&c. &c. &c.

Enclosure in No. 37.

Encl. in No. 37

SIR,

War Office, December 30, 1865.

WITH reference to the correspondence transmitted to you in my letter of the 18th instant, I am directed by the Secretary of State for War, to request that you will lay before Mr. Secretary Cardwell the enclosed copy of a letter from the Horse Guards by which it will be seen that His Royal Highness the Field Marshal Commanding-in-Chief concurs in the reasonableness of the objections stated by Brigadier-General Waddy for delaying to take instant steps for punishing the murderers of the Native Kereti and of Mr. Broughton in the Wanganui district.

Dated 23 Dec.
1865.

Sir Frederic Rogers, Bart.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD LUGARD.

Sub-Enclosure.

Sub-Encl.

SIR,

Horse Guards, December 23, 1865.

THE Major-General Commanding in New Zealand having transmitted for the information of the Field Marshal Commanding-in-Chief, copies of his two despatches and their enclosures dated 13th October last, to the Secretary of State for War, I am directed to request you will solicit his Lordship's special attention to the difficult position in which officers are placed by the action of the Governor with reference to His Excellency's Proclamation of Peace to the rebels.

His Royal Highness desires me to state that whilst with Sir George Grey and Major-General Chute he deeply regrets that Brigadier-General Waddy did not at once take upon himself to punish and inflict retribution upon the murderers of the two messengers, who were actually engaged in the errand of Peace, and arranging the terms of the same at the time they were killed, as assuredly he ought to have done, yet His Royal Highness cannot altogether admit that under the very peculiar circumstances, the Brigadier-General's failure to accept such responsibility is entirely without excuse; as, in the face of the Governor's proclamation, an officer might certainly feel that any hasty or offensive action on his part, even in just retribution of such treacherous barbarity, might seriously embarrass the Government, and hesitate therefore before committing himself to such a course of procedure without referring to superior authority.

I have, &c.
(Signed) E. B. JOHNSON, Col.,
for Military Secretary.

The Under Secretary of State,
War Office.

NEW
ZEALAND.

No. 38.

No. 38.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 5.)

SIR,

Downing Street, January 20, 1866.

IN my Despatch No. 86,* of the 26th October last, I informed you that a copy of
yours of the 14th August, No. 108,* had, with others, been forwarded to the Secretary
of State for War.

I learn from Earl de Grey that a copy of that Despatch was sent by him to Sir
Duncan Cameron, from whom a reply has been received, but that his lordship has not
considered it necessary to send me a copy of it as he was of opinion that the time had
arrived for putting an end to the painful disputes between yourself and the General,
which now involved no matter affecting the public service, and that he had caused a
letter to this effect to be addressed to Sir Duncan Cameron.

I have signified to Lord de Grey my full concurrence in his view, and it there-
fore only remains for me to express my desire that the correspondence on this subject
may now be considered at an end.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 39.

No. 39.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 6.)

SIR,

Downing Street, January 22, 1866.

I HAVE to acknowledge the receipt of your Despatch of the 13th September last,
No. 116,* having reference to instructions said to have been issued to Brigadier-General
Waddy, by Sir D. Cameron, as to attacking the Weraroa Pah.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 40.

No. 40.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 7.)

SIR,

Downing Street, January 23, 1866.

I HAVE to acknowledge the receipt of your Despatch of the 5th October, No. 122,*
explaining the circumstances under which your minute to your ministers, dated the
4th March, had been made public.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

* Page 251.

* Page 177.

* Page 181.

* Page 209.

APPENDIX.

SIR,

War Office, October 19, 1865.

WITH reference to my letter of the 16th ultimo, relative to the issues of pay and rations to the Colonial forces by the Commissariat Department in New Zealand, I am directed by the Secretary of State for War to transmit to you, for the consideration of Mr. Secretary Cardwell, the accompanying copies of a further correspondence which has passed between Governor Sir George Grey and Lieut. General Sir Duncan Cameron on the subject.

I have, &c.

(Signed) EDWARD LUGARD.

Sir Frederic Rogers, Bart.
&c. &c. &c.

Private Secretary's Office, Wellington,
July 15, 1865.

SIR,

I HAVE the honour, by direction of his Excellency the Governor, to transmit, for the information, and consideration of the Lieut. General Commanding, a copy of a memorandum which he addressed to his Responsible Advisers on the 11th instant, relative to the arrangement now in operation for the rationing and payment of the local forces.

I have, &c.

(Signed) FRED. THATCHER,
Private Secretary.

The Assistant Military Secretary,
&c. &c. &c.

MEMORANDUM.

THE Governor has received the ministerial memorandum of the 5th instant, regarding an interview held between Ministers and himself at Whanganui in March last.

The memorandum now enclosed to him is, in as far as his recollection serves, that which was read to him at Whanganui. The Governor thinks there can be no doubt upon this point, because he has nearly embodied the words of the memorandum in his letter to Sir D. A. Cameron of the 22d of March last.

The Governor's impression regarding the subsisting arrangement between the Imperial authorities and the Colonial Government on the subject of the issue of pay and rations is as follows:

The Governor found that on the 18th of February the Colonial Secretary had written to Commissary General Jones, C.B., that to prevent the further increase of liabilities of this Colony to the Imperial Government, Ministers undertook that for the future the commissariat accounts for rationing the Colonial forces in the Province of Auckland should be paid monthly on presentation at the Colonial Sub-Treasury, Auckland.

On the 22d of February this arrangement assumed another and larger form. The Minister for Colonial Defence then asked for the continuance of the issue of rations to the Colonial forces at present in actual service, Ministers guaranteeing the immediate payment for any rations that might be issued upon the presentation of the account by the Commissary General.

These arrangements were entered into without any previous discussion with the Governor. Upon considering the matter with his responsible Advisers it was found that from the demands made by the General, the Colony would have to incur a considerable new expenditure in maintaining local forces and steamers to assist in the operations going on near Whanganui, and that it would be unable to provide the funds to meet month by month the expenditure which might be incurred in the issue of pay or rations to the local forces.

Under these circumstances the Governor was asked to make a new arrangement upon the subject with the military authorities, a part of which was that the Colonial Agents were to be instructed at once to issue and hand over to the Treasury in England New Zealand debentures to the amount of 500,000*l.*, bearing interest at the rate of 4*l.* per cent., which amount it was estimated would more than cover the liabilities of the Colony to the Imperial Government; and thus not only, as was proposed, prevent the increase of these liabilities, but even leave a surplus to meet any new liabilities that might be incurred. The Governor had a short conversation with Commissary General Jones on these subjects at Whanganui, but he cannot now recal to his mind what passed upon that occasion.

Upon the 22d of March the Governor wrote to Sir D. Cameron in pursuance of the request of his Ministers, and stated that the Civil Government found it impossible to raise funds at present to pay or ration the men it was about to raise at Whanganui, as in defraying the expense of the steamers required to keep open the communication they were doing all they could do; and he went on to state that the arrangement would only be a temporary one, and that orders had gone to England that debentures for 500,000*l.* should be at once handed over to the British Treasury on account of the debt due by the Colony. Sir D. Cameron replied to this letter in general terms on the 3d of April. In his letter the Governor unfortunately only alluded to the militia at Whanganui. This was an oversight on his part; his Responsible Advisers had asked him to have this arrangement made a general one for all the Colonial troops who were rationed by the commissariat. For any failure to do this the Governor is Responsible not his responsible Advisers.

NEW
ZEALAND.
—
APPENDIX.

Looking only to the general terms of Sir D. Cameron's letter of the 3d of April, the Governor was always under the impression that he had made such a general arrangement, and has led his Responsible Advisers to believe that such was the case.

He understood and still understands that a part of such an arrangement was that the Colony was at any time it might be called on to do so to hand over to the British Treasury New Zealand 4 per cent. debentures, for any farther amount in excess of 500,000*l.* for which it might be found to be indebted to the military chest upon account of these advances.

In reference to the Governor's statement in his letter to Sir D. Cameron of the 22d of March, that the arrangement he proposed was only a temporary one, the Governor would say that he then believed that the operations between Whanganui and Taranaki would immediately be brought to a successful issue, and that the war in New Zealand would thus terminate. A consideration of what has recently been accomplished by Colonel Warre will, the Governor feels sure, satisfy any one that he was justified in using the language he did regarding the probable temporary nature of the arrangement he recommended for adoption.

The Governor would add, that if a misunderstanding has arisen in reference to the arrangement subsisting between the Colonial Government and the Commissariat in reference to these advances from the military chest, that he alone is responsible for it, and that he will much regret it.

The plain practical question appears to be this:—New Zealand, a valuable possession of the Crown, is in a state of danger, a portion of its native population are endeavouring to take it from the Queen and to place it under a native sovereign. Great Britain and Her Majesty's European subjects in New Zealand are successfully resisting this, the Queen's subjects here bear a considerable part of the charge of these efforts, they cannot pay all the expenses they undertake to defray in ready money, but, like all other civilized nations, they are paying a part of this great war expenditure by contracting a debt, and giving Government securities for the repayment of that debt, and interest thereon. They have never contested their responsibility to pay the liabilities they have undertaken, but tender to Great Britain the securities of their Government in payment of the advances she makes to them to enable them to aid in this common struggle.

European nations aid even their allies in a war of common interest by guaranteeing their loans or finding subsidies. It is believed that Great Britain will not evince less sympathy for Her own Colony and race, by depreciating her securities in a moment of such difficulty.

Her officers, however, now refuse to receive them without waiting to ascertain by a reply to the letter of the 22d March, whether or not the home authorities will receive their securities in liquidation of their claim, and threaten to involve the Colony in great calamities.

How at the moment that it is proposed to reduce the force of regular troops in the Colony can this be done, if at that instant all the means relied on for the rationing and payment of the local forces are unexpectedly cut off? Is it possible to have fixed on a more unwise and inopportune moment for such a proceeding? The Governor can only trust that a further consideration may induce the General to come to a different conclusion, and to continue the arrangement now in operation until Her Majesty's Government has been communicated with.

11th July 1865.

(Signed) G. GREY.

MEMORANDUM.

The Lieut. General Commanding has read the Governor's memorandum of the 11th July, and has also shown it to Commissary General Jones, a letter from whom on the subject is herewith enclosed.

The Lieut. General knows nothing of any interview held between the Governor and Ministers at Wanganui in March last, nor has the Governor thought proper to forward to the Lieut. General the memorandum of Ministers alluded to in his memorandum.

With reference to the subsisting arrangement between the Imperial authorities and the Colonial Government, the Lieut. General begs to observe that Mr. Weld's letter of the 18th February, Major Atkinson of the 22d February, with a copy of a Ministerial memorandum of the same date enclosed, and the letter of his Excellency's Private Secretary of the 6th March, each and all distinctly undertake to repay monthly, into the Commissariat Chest, the cost of all rations issued to the militia, and both the Lieut. General and Mr. Jones considered this a *bonâ fide* engagement on the part of the Colony until the payment of the March issues was refused.

This engagement was never cancelled by any subsequent arrangement such as that stated by the Governor, part of which was that the Colonial agents were to be instructed at once to issue and hand over to the Treasury, in England, New Zealand debentures to the amount of 500,000*l.* at the rate of 4 per cent. The Lieut. General does not see how this remittance could be expected to cover liabilities amounting in March to upwards of 600,000*l.*, when all these liabilities were being increased by upwards of 10,000*l.* a month, and when it was known that New Zealand debentures were not saleable at par.

In regard to the inability of the Colonial Government to raise funds to pay and ration the militia at Wanganui, and to defray the expense of the steamers required to keep open the communication, the Colony appears to have experienced no difficulty in raising funds to remove the seat of Government from Auckland to Wellington; to purchase new Government buildings, Government houses, residences for Ministers; increasing the number of Ministers, and augmenting their salaries; paying large sums as compensation to Taranaki settlers; and entering into a costly new postal service to England, in addition to the existing one. These sums would probably have met the cost of the militia for several months.

The only steamers maintained by the Colony for the service above mentioned were the "Prince Alfred" and the "Sand Fly," and the coals for them were provided by the Commissariat without cost to the Colony. It was arranged that the entire cost of the "Gundagai" should be paid by the Commissariat. The full cost to the Colony of the first two steamers could scarcely have exceeded

700*l.* a month, which amount could not have greatly interfered with providing funds to meet expenditure for a Whanganui militia.

The Governor's letter to the Lieut. General of the 2d March, and the Lieut. General's answer to it of the 5th April (not 3d April), referred solely to the Whanganui militia. The Lieut. General's answer was not in general terms, as stated by the Governor, but clearly and distinctly specified the Whanganui Militia; and the Lieut. General cannot conceive how there could be any misunderstanding on the subject, or how the Governor could ever have supposed that the arrangement sanctioned by the Lieut. General was a general one for all the Colonial troops rationed by the Commissariat. Mr. Jones has informed the Lieut. General that he had never heard of such a general arrangement, or that it was ever contemplated.

As these circumstances have all been reported to the Lords Commissioners of Her Majesty's Treasury it is unfortunate that the Governor should have fallen into such an error.

In reference to the Governor's statement on the 22d March, that the arrangement he proposed was only a temporary one, the Lieut. General begs to observe that there was nothing in the state of affairs at that period, or in the plan of operation which the Lieut. General was carrying out under his Excellency's instructions, to warrant the belief that the operations between Whanganui and Taranaki would immediately be brought to a successful issue, and that the war would thus terminate, nor can anything recently accomplished by Colonel Warre justify the Governor in using the language he did, regarding the probable temporary nature of the arrangement, supposing that in using that language the Governor intended to refer to the duration of the war, which there is nothing in his letter to show.

The question is, to what extent and for what period the British public is to be burdened with the expense of paying and rationing, not only the Colonial militia and Military settlers actually performing military service, whose number is inconsiderable, but also those who have been placed on their land, and are only liable to be called upon for service in cases of emergency. This question has been referred to Her Majesty's Government, and until their decision is known, if the Colonial Government are really unable to fulfil the engagement they entered into with the military authorities on the 18th and 22d February, the Lieut. General will authorize the Commissariat to continue to pay and ration the number of militia and military settlers who are now paid and rationed on the conditions mentioned by Commissary General Jones, namely that Colonial debentures, bearing 4 per cent. interest, be remitted from time to time to Her Majesty's Treasury sufficient to cover the full amount of all the advances and the cost of the rations, and that the terms upon which the debentures will be accepted be left entirely to the decision of the Lords Commissioners of the Treasury.

Whatever arrangement may be decided upon, however, it is highly desirable that the Colonial Ministers should henceforward be more careful and explicit in their money transactions, and that they should not contract any engagement with the Imperial authorities which they do not intend, and are not able strictly to fulfil. It would also prevent misunderstanding if before calling upon the Lieut. General to sanction any arrangement for paying and rationing the militia out of Imperial funds, the Governor should make himself acquainted with the exact nature of that arrangement.

The Lieut. General has little to say to the three last paragraphs of the Governor's memorandum, as the statement of general principles they contain affords no justification for escaping from liabilities indirectly entered into.

Head Quarters, Auckland,
26th July 1865.

I have, &c.
(Signed) D. A. CAMERON, Lieut. General.

Commissariat, New Zealand,
Auckland, July 22, 1865.

SIR,

HAVING carefully perused the memorandum of his Excellency, dated 11th July 1865, addressed to his Responsible Advisers on the subject of the continued increase of the liabilities of the Colony to the Imperial Government, I now do myself the honour to submit the following remarks for the consideration of the Lieut. General Commanding.

*Without entering into the detail of the various points touched upon by his Excellency, I think I may consider the whole question as resolving itself into,—

- 1st. The fact, stated on pages 5 and 6, that the Civil Government finds it impossible to raise funds at present to pay or ration the Colonial forces:
- 2d. And in order to meet the exigencies of the present crisis the Colony appeals through his Excellency for the assistance of the Imperial Government in advancing, as a loan, the means necessary for that purpose:
- 3d. Proposes to liquidate these advances by means of Colonial debentures remitted from time to time to the Imperial Treasury, these debentures bearing interest at the rate of 4 per centum per annum.

I venture to remark with reference to the first, that the point to be considered is to what extent the assistance of the Colonial forces is requisite to co-operate with the Lieut. General and Imperial troops in the occupation of the country and the military operations necessary to conduct the war to a successful issue.

Secondly, that as the Colony has declared its inability to meet the expenses of the Militia, that the portion of them above decided upon as necessary should continue to be paid and rationed by the Commissariat out of Imperial funds; but thirdly, that the advances so made shall be covered by Colonial debentures to be sent to the Imperial Treasury from time to time, in amount about equal to the advance so made.

It should be clearly understood, however, that this step shall not be considered as binding upon Her Majesty's Treasury to receive those debentures at any fixed rate, but that the whole subject must of course be adjusted as their Lordships shall decide.

NEW
ZEALAND.
—
APPENDIX.

I beg to mention that until I saw this memorandum of his Excellency I had never heard of the proposal to remit debentures to Her Majesty's Treasury to cover the advances now being made. I was made aware of the fact that half a million in Colonial debentures had been sent home to meet previous liabilities by the copy of his Excellency's letter enclosed in your letter, No. 4193, of 2d April 1865, but the claims up to that date amounted to 603,917*l.* 6*s.* 8*d.* as reported in my letter of 13th March last, No. 780, and must now amount to about 700,000*l.*

The Assistant Military Secretary,
Head Quarters.

I have, &c.
(Signed) H STANLEY JONES,
Commissary General.



FURTHER PAPERS

RELATIVE TO

THE AFFAIRS OF NEW ZEALAND.

(In continuation of Papers presented February 1866.)

Presented to both Houses of Parliament by Command of Her Majesty.
26 June 1866.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

FOR HER MAJESTY'S STATIONERY OFFICE.

1866.

SCHEDULE.

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THE AFFAIRS OF NEW ZEALAND.

Despatches from the Governor.

No. 1.

NEW
ZEALAND.
No. 1.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 135.)

Government House, Wellington, November 10, 1865.

(Received January 13, 1866.)

(Answered No. 9, January 25, 1866, page 110.)

SIR,

ADVERTING to my Despatch, No. 126,* of the 14th ultimo, reporting that Mr. Weld had placed his own resignation and those of his colleagues in my hands, I have now the honour to state that Mr. Stafford has succeeded in forming a Ministry, the policy of which is embodied in the statement of Mr. Stafford, of which I have the honour to transmit herewith a copy.

* Vide Papers, presented Feb. 1866, page 210.

2. I also enclose a copy of my letter to Mr. Weld accepting his resignation of his office, from which you will learn with what regret I parted from that gentleman and his colleagues, to whom I felt most grateful for the advice and assistance they had at all times afforded me.

Sir G. Grey to Mr. Weld, Oct. 16, 1865.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 1 in No. 1.

MINISTERIAL STATEMENT by the Hon. E. W. STAFFORD, in the HOUSE OF REPRESENTATIVES,
on the 19th October 1865.

Enc. 1 in
No. 1.

The Hon. Mr. STAFFORD (Premier).—Sir, in making the statement the House expects from me to-day I must by anticipation apologize for many shortcomings it will be found to present. Such a short time has been afforded to the Ministry to become acquainted with the actual position of affairs, that I am aware I shall necessarily omit to refer to many questions in which I have no doubt many hon. gentlemen feel a special interest; but we do not think that, at this period of the session, it would be right to detain the House by further adjournments. I shall first proceed to allude to that subject as to which a special question was put to me when the House last sat, viz., as to the distribution of the offices of state. I may repeat what I stated on that occasion, viz., that no final arrangements have yet been made, in fact they are but provisional, and that until the voice of the country has been declared at the approaching elections it will be impossible to make a final distribution of those offices. I am aware that in consenting to leave some offices still unfilled, and to meet the Legislature with a smaller Ministry, numerically, than that which immediately preceded us, I am exposing myself to representations to the effect that we are numerically so much fewer than the very numerous Ministry preceding us—composed as it was “of all the talents,” of seven gentlemen whose collective ability cannot be exceeded in New Zealand—that we are undertaking a presumptuous task. I am aware that the step which I have taken is one that will throw on myself a great deal of extra, and otherwise unnecessary work; but I have done so, that there may be an opportunity to large and important sections of the Colony to be represented in the Ministry. We seek to make it a Colonial Ministry, and if I have failed to avail myself of the large amount of administrative ability outside the ranks of the present Ministry, and of that which preceded it, which is at my command at this moment, I have done so from the desire that other parts of the Colony not yet represented in the Ministry should have a voice in it; and if there should be interests and opinions not represented in our Ministry, the responsibility will fall on those who, when the opportunity is given to them, refuse to avail themselves of it. (Hear, hear) The House will naturally expect that I should

proceed to allude to those larger questions with respect to which its attention, and that of the country, has been for some time directed. I shall first allude to the question of the removal of the troops. I am aware that some very wild expressions of opinion have been in circulation with reference to the intention of the present Government on this subject. It may, therefore, be satisfactory to those who entertained those opinions to know that we are entirely contented with the position of the question as we now find it. That we do not propose to tender to his Excellency any advice adverse or in opposition to the instructions of the Imperial authorities, and that we are perfectly content to leave the arrangements already made entirely undisturbed. I may next properly refer to the Native question. With respect to that question a considerable number of policies have been pronounced during the last few years, and a considerable number of announcements of a conflicting character have been made directly to the Natives themselves, with respect to their relations with the Government of the country. We do not propose to meddle with the Natives so as to irritate or provoke them to outrages, but we do mean to repress outrages whenever they occur, and with that object, to maintain a small moveable force which, in conjunction with the friendly Natives who have shown throughout the hostilities of the last three years their loyalty to the Government, will be the most fitting instruments for the immediate chastisement of those outrages which the Colony desires to suppress. (Hear, hear.) We have no great faith in paper announcements or in the operation of proclamations on the Native mind. Nor do we think it will be judicious to issue them except where absolutely required by law. (Hear, hear.) I next come to the subject of expenditure, and I have to state that we hope on an early day to be able to submit estimates on a reduced scale from those that have already been before the House. We believe that the unity of the Colony can best be maintained if it is to be maintained, by economizing the expenditure of the General Government, and that the true policy of self-reliance is not to enter into obligations which we cannot by ourselves meet. We propose to devote the balance of the war loan to the purpose for which it was originally voted; but when I speak of the balance I have to consider how it is to be raised. After repeated warnings from the Crown agents and from those gentlemen who have been appointed to place the loan on the market, it is hopeless not to expect that we must prepare our minds for a sacrifice, and that our loan must be placed on the market at a lower rate than was proposed at the time it was assented to by the House. That this was the opinion of our predecessors is indicated by those notices which appear on the Order paper of to-day in the name of the hon. member for New Plymouth (Mr. Sewell). I have not yet seen the Bills in question, but will be quite prepared to take them with such modifications as may appear to be necessary, and invite the co-operation of the hon. gentlemen in getting any measures based on them passed into law. While on this subject I may refer to the question of provincial securities. On this point we invite and expect the co-operation of hon. members on all sides of the House. The question of raising the credit of the Colony, and of every province in it, is not, and ought not to be made, a party question. (Hear, hear.) The Colony has a magnificent estate, and every colonist has a common interest in its development and in maintaining the credit that justly belongs to it. Before I held the office I now hold I tendered my best assistance to my predecessors in considering this question on its merits, with a view to arriving at a right conclusion, and I now invite those gentlemen to give me the assistance which I offered to them, and which they know the importance of the question demands. [Mr. Weld, hear, hear.] Intimately connected with the question of our financial position, is the question of the settlement and disposal of the confiscated lands. We regret to learn that many of those persons who have been settled on portions of them are not likely to remain. If this should be the case it is evident that not only a large amount of money will have been lost, but also that other calamities may occur. It will be the duty of the Government to consider the resolutions on the Order paper on this subject, and the counter amendments understood as about to be made, with a view to ask the House to come to a decision on the question, in order that arrangements may be made by which these lands may be converted from the unproductive state of wilderness in which they now lie, into the happy homes of a thriving and prosperous population. (Hear, hear.) A question connected with the subject of expenditure is the state of the Civil Service generally. It has now grown very large, and it will be impossible for the Government during the present Session to determine in what direction any changes, if they are necessary, should properly be made, which would be fair both to the country and to the officers affected by them. What we propose to do is to appoint a commission to inquire into the state and working of the whole Civil Service of the Colony, with a view to its classification, and to report on the best mode of promotion, whether by seniority or otherwise, and on the subject of salaries and retiring pensions. It appears to me that that commission would be a very fitting one to report also on the practicability of introducing an income tax; on the machinery which would be necessary for raising it; and on the probable receipts which might arise from it; not so much with a view to adding to the existing taxation of the country as of changing the manner of it. I am speaking individually on this subject, for I have not had time to consult my colleagues with respect to it, but I do propose to lay before the House next Session such an ample report on the subject as will enable hon. members to come to some conclusion. While referring to the question of taxation, it is necessary to observe that the country has been led to expect that there would be a change during the present Session in the duties on imports. If the House is willing to remain to consider that question, it will be the duty of the Government to propose a new tariff. As to the stamp duties, neither I nor any of my colleagues have objected to that kind of taxation. (Hear, hear.) What we have objected to is to add to the burdens, already sufficiently great, of the people of New Zealand. I am therefore quite content, while entirely agreeing to the principle itself, to wait until the country declares its opinion on this subject. (Hear, hear.) Before I leave the question of finance, this may be the proper time to refer to what I stated before I took office about reducing the expenditure. I have been taunted with having said that I could see my way to reducing that expenditure by 240,000*l*. I am happy to be able to inform the House that I do see my way towards that reduction—(hear, hear)—and that at the same time I shall leave the Government as amply provided for as it ever was before. In order that I may not be misunderstood, I may say that I did not make that statement in respect to those charges only which are borne on the current revenue. When I stated that I could see my way to a saving of 240,000*l*. in the proposed expenditure indicated in the Financial Statement of the late Treasurer I

made that statement with reference to the whole expenditure—with reference to the charges partly placed on the current revenue, and partly on the balance of the loan. The hon. member for New Plymouth (Mr. Sewell) will remember I placed in his hands a paper in which I distinctly pointed out what I meant. [Mr. Sewell—The only estimates before the House are estimates of the ordinary revenue.] I am speaking of the charges proposed to be made in the late Colonial Treasurer's financial statement. There are several measures before the Legislature which will require further consideration. At this period of the Session the Government finds itself in a position of some embarrassment with respect to these measures. When we consider that every large question (with the exception of the Panama Service) which this House was expected to determine during the Session is still undecided, we at the same time believe that it is almost impossible to hope that hon. members will remain to consider all these large questions, but we do trust that, whatever hon. members may do—whatever they may determine to postpone—still they will not refuse to go into the many questions of finance. They cannot so refuse without incurring a responsibility which, in the future, they will not be able to shake off. I now come to the question of the representation of the Colony. For two Sessions, in two Royal speeches, the House has been assured that that question would be considered during this Session. The Bill at present before the House has got into a position which I hardly think satisfies anybody, whilst it is necessary that the question should be settled. It appears to me that the matter might be facilitated by the Government coming down and proposing a resolution defining the maximum number of members which should be in the next Parliament, and that being decided, a Bill might be brought in to give effect to it. If the House should, however, be unwilling to admit of any further delay, and should desire to consider the present Bill, the Government, although not liking the Bill entirely, would be prepared to accept it as introduced. There is another question of very considerable importance—that is the propriety of amending the Debtors' and Creditors' Act—the working of which has given rise to many complaints. I do not think we are justified in shutting our eyes to these complaints, and I am happy to see that the hon. member for Avon has given notice for leave to introduce a Bill on the subject, and I can assure him that, as far as the principle goes, and I hope also the details, he may expect to receive the support and the co-operation of the Government. (Hear, hear.) We also desire to see passed into law a measure restraining the expenditure of money without the authority of law. On this subject the late Colonial Treasurer has a notice on to-day's paper, for leave to introduce a Bill. I have not had time to give more than a hurried attention to this measure, but I have already given directions to have it compared with other measures of a similar kind, in order to bring every information to bear upon the question. If, as a private member, I was anxious to see the Disqualification Bill passed, still more am I so now as a Minister of the Crown, and I propose to go into Committee on that Bill this very day. If it had not been for the very absurd rumours that have been spread abroad, I should have hardly thought it necessary to allude to two other questions—one is, that of the removal of the seat of Government. Sir, with reference to that, I would say that we accept what has been carried by overwhelming majorities in both Houses of the Legislature. I may state that we do not contemplate any such removal, and we think it would be improper for a member of a Government to attempt any interference with existing arrangements. (Hear, hear.) Another is the Panama question. I do not know how that question stands at present, but I know that whatever arrangements have been entered into by previous Governments, we consider that the credit of the Colony requires they should be rigorously carried into effect. I do not know what would happen to this country, with reference to its credit and reputation elsewhere, if it were supposed that a change of Government would lead to the violation of existing engagements (hear, hear). Whatever may be the engagements between this Government and that of New South Wales, or any other Government, I trust the House will believe me when I say that, so long as I hold office, there will be no turning back from such engagements (hear, hear). I have had occasion to refer to changes of Government, and may observe that since I last had the honour to hold office five Governments have been in office. I wish I could say that the practice of having a new Government every session was one attended with beneficial results, either within the Colony or to its credit and reputation elsewhere, and I may therefore be permitted to say, perhaps, that I think that practice should be discontinued (loud laughter). Before concluding, I may express my thanks to the House for having listened with such patience to what has necessarily, from the circumstances of the case, been an incomplete statement. Sir, we have taken office under peculiar circumstances—from no desire or wish of our own,—having neither desired or attempted to eject our predecessors from office. When the late Ministry threw down the reins of government, I felt, after the share I had long taken in public affairs, that when pressed to take office I should not be justified in a continued refusal again to assume the Government. I did feel that there was that responsibility which attaches to every member who may have been instrumental in directing the policy of the country, or of preventing the passing of measures which he considered prejudicial to its welfare—if a contingency should arise,—not churlishly to refuse to take part of the anxiety and responsibility which falls on those who undertake the cares of Government (hear, hear). I have done so with the knowledge that I should have to encounter as formidable an opposition as perhaps any Government has had to meet. But I have always recognized that while the criticisms of an opposition are good for the country, it is at the same time not altogether an unmitigated evil to a Ministry. At Home, Her Majesty's Opposition is recognized as being as much a part of the Government of the country as Her Majesty's Ministers. It is with this knowledge that I am prepared at this moment to undertake the administration of public affairs, and I have done so in the hope that as my intentions become better understood I shall not be regarded as such a revolutionary or Yankee destroyer as some have supposed, and I can hardly think that a review of my past services would lead to the supposition that I was going to appear in a revolutionary character. Whilst I have thought it right at the present juncture to assume the cares of office, yet, on the part of myself and colleagues, I can say that none could more willingly retire than we will when the country has declared that it no longer desires our services (cheers).

NEW
ZEALAND.

Encl. 2 in
No. 1.

Enclosure 2 in No. 1.

Government House, Wellington,
October 16th, 1865.

MY DEAR SIR,

IN reply to your letter of the 12th instant, I beg to state that Mr. Stafford, having informed me that he has succeeded in forming a Ministry, it is now my duty in Her Majesty's name and on Her behalf to accept the resignations of yourself and your colleagues, which you have placed in my hands.

You will all, I trust, permit me to add, that it is with most sincere regret that I part from you, and that I shall always feel grateful to yourself and your colleagues for the ability and fidelity with which you have at all times advised me, and have conducted the affairs of this disturbed country during a most difficult period. You have thus afforded me an assistance which can only be duly appreciated by those who, having had equal difficulties to contend with, have had at the same time a support of equal value afforded to them.

The Hon. F. A. Weld, Esq.,
&c. &c.

Believe me, &c.
(Signed) G. GREY.

No. 2.

No. 2.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 136.)

Government House, Wellington, November 10, 1865.

(Received, January 13, 1866.)

(Answered No. 13, January 26, 1866, page 111.)

SIR,

I HAVE the honour to transmit for your information a copy of a Memorandum I have received from my Responsible Advisers, enclosing a resolution adopted by the House of Representatives in New Zealand in relation to the opinions I had formed of the inexpediency of allowing the removal of the troops from the Colony in the month of May last until the Weraroa Pa had fallen.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. in No. 2.

Enclosure in No. 2.

MEMORANDUM.

Ministers transmit to his Excellency the copy of a resolution adopted by the House of Representatives this day, expressing the thorough approval of that House of the action taken by his Excellency with reference to the removal of a portion of the regular troops in May last.

(Signed) E. W. STAFFORD.

Wellington, 28th October 1865.

EXTRACT from the Journals of the House of Representatives.

RESOLVED.

Saturday, the 28th day of October 1865.

That this House, without reference to the general policy of retaining the Imperial troops in the Colony, and without admitting any pecuniary liability to the mother country on that account, desires to record its opinion that under the circumstances stated by his Excellency in the printed papers laid before the House, and especially having reference to the long inaction of the Imperial troops in the immediate neighbourhood of the Weraroa Pa, prior to its capture, his Excellency exercised a sound discretion in the course he adopted in protesting against the proposed removal of a certain number of the troops in the month of May last, on the occasion when they were proposed to be removed by the General.

True Extract.

(Signed) F. E. CAMPBELL,
Clerk, House of Representatives.

No. 3.

No. 3.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 139.)

Government House, Wellington, November 10, 1865.

(Received, January 13, 1866.)

(Answered No. 13, January 26, 1866, page 111.)

SIR,

I HAVE the honour to transmit for your information a copy of the Speech with which I prorogued the General Assembly of New Zealand on the 30th ultimo.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure in No. 3.

NEW
ZEALAND.

Encl. in No. 3.

SPEECH of HIS EXCELLENCY SIR GEORGE GREY, K.C.B., on proroguing the Fifth Session of the Third Parliament of NEW ZEALAND, 30th October 1865.

Honourable Legislative Councillors and Members of the House of Representatives,—

I am happy to be able to release you from your further attendance in Parliament.

The zeal and diligence which the Legislature has displayed in the performance of the duties which have devolved upon it during the present Session cannot fail to be attended with permanent advantage to the country.

The measures you have passed affecting Her Majesty's subjects of the Native race, are evidence of your earnest desire to extend to them, to the full, all the rights and privileges enjoyed and prized by British subjects. By such measures, wisely administered, there is every reason to believe that they will become steadfastly assured that their interests will be zealously guarded by the Legislature, on whom they can rely to secure, by every means in its power, happiness and prosperity to those amongst them who are peaceably inclined, while those who may unfortunately be led into crime will assuredly discover that a certain punishment awaits them.

It affords me much gratification to express my sense of the energy and gallantry of Her Majesty's Colonial and Native forces so signally displayed in the eminent successes recently achieved by them on the East Coast.

Gentlemen of the House of Representatives,—

I thank you for the supplies you have voted for the public service. You may rest assured that they will be administered with a regard for that strict economy which is imperatively required in the expenditure of the public monies, and which will mainly tend to preserve the unity of the Colony.

The measures you have passed for improving the character of New Zealand securities, and for relieving the embarrassments which have for some time affected the province of Southland, will maintain and improve the financial credit of the country.

I have gladly assented to the Bill for effectually preventing the expenditure of the public monies without the authority of law.

I am happy to be able to congratulate you on the steady increase in the revenue, which is likely to be still further augmented by the rapid development of the Gold Fields on the West Coast.

Honourable Gentlemen and Gentlemen,

The Bill for increasing the Representation of the People in Parliament will ensure the means of a fuller expression of public opinion to the districts to which it relates.

It is my intention to dissolve this Parliament, and to call another without unnecessary delay. I earnestly trust that the exercise by the several constituencies of the high functions which will devolve upon them will result in promoting the welfare and happiness of all classes of Her Majesty's subjects in the Colony.

I now, in Her Majesty's name and on Her Majesty's behalf, declare this Parliament to stand prorogued to Tuesday, the 26th day of December next. And it is hereby prorogued.

No. 4.

No. 4.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 140.)

Government House, Wellington, November 10, 1865.

(Received January 16, 1866.)

SIR,

(Answered No. 13, January 26, 1866, page 111.)

I HAVE the honour herewith to transmit for your information a copy of an address which I have received from the Legislative Council of New Zealand, enclosing resolutions adopted by the Council to the effect that it is unnecessary that the Imperial troops should be retained in this Colony. Oct. 25, 1865.

2. I have at the same time the honour to transmit a copy of a memorandum I have received from my Responsible Advisers in relation to the same subject. Mr. Stafford,
Oct. 27, 1865.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure 1 in No. 4.

Encl. 1 in No. 4.

SIR,

Legislative Council Chamber, October 25, 1865.

I HAVE the honour to enclose an address to your Excellency, which has been this day adopted by the Legislative Council.

I have, &c.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) J. H. BARTLEY,
Speaker.

NEW
ZEALAND.

May it please your Excellency,

We, the Legislative Council of New Zealand, in Parliament assembled, beg to transmit to your Excellency the following resolutions adopted by this Council, and to request that your Excellency will be pleased to transmit the same to Her Majesty's Principal Secretary of State for the Colonies.

1. That this Council takes this opportunity of expressing its loyalty and devotion to the Crown.
2. That this Council observes with regret that the policy proposed by Ministers, accepted by his Excellency the Governor, and sanctioned by both branches of the Legislature during its last Session, in favour of the speedy withdrawal of the Imperial troops, has, from some hitherto unexplained cause, not yet been carried into effect, and that, so far as this Council is able to judge, no steps have been taken in this direction beyond an unimportant reduction of those troops.
3. That in the opinion of this Council the Colony is altogether unable to fulfil the condition which the Imperial Government seek to impose, whereby 40% per annum is to be charged for every soldier.
4. That the experience of recent events confirms this Council in the belief that a Colonial force placed under the sole direction of the Colonial Government would provide more cheaply, as well as more effectually, for the establishment and maintenance of peace and order than a regular army.
5. That for these reasons it appears to this Council that, while it is unnecessary for Colonial purposes that the Imperial troops now serving in New Zealand should be retained, it is also just to the taxpayers of Great Britain that they should be relieved of the burden now imposed upon them by reason of the retention of an Imperial army in these Islands.
6. That in the opinion of this Council an armed force raised and maintained by the Colony as a whole should be employed where necessary in aid of the local militia.

COPY OF MR. STAFFORD'S MINUTE ON THE FOREGOING RESOLUTIONS.

Ministers advise that the Legislative Council be informed that in accordance with the request expressed in their address, the accompanying resolutions will be sent to the Secretary of State for the Colonies. Ministers will submit a memorandum on the subject in time for transmission by the next mail to England.

October 26, 1865.

(Signed) E. W. STAFFORD.

MEMORANDUM.

The Governor has received from his Responsible Advisers a memorandum on the subject of the resolutions of the Legislative Council of yesterday's date, reflecting in strong terms upon the retention of Her Majesty's regular forces in the Colony.

The Governor trusts that he may be made acquainted with the views of his present Responsible Advisers upon the periods at which the whole of Her Majesty's regular forces now in New Zealand are to leave the Colony, in order that an understanding may be come to upon the subject before the General Assembly is prorogued.

Government House, Wellington, October 26, 1865.

(Signed) G. GREY.

Encl. 2 in No. 4.

Enclosure 2 in No. 4.

MEMORANDUM.

Ministers desire to express their views on the question raised by his Excellency's memorandum of the 26th instant, and certain resolutions passed by the Legislative Council.

Ministers would, however, in the first place direct his Excellency's attention to the fact that the resolutions were passed near the close of the Session by one branch of the Legislature only—the Legislative Council;—that about one half of the members were absent from the place of sitting, comprising all the members of that body (except the Speaker) most deeply interested in the question, from their connexion with the districts lately the seat of war.

Ministers did not desire at that period of the Session to use the power they might have used, of placing gentlemen in that Council to ensure a more general expression of opinion, notwithstanding that the late Ministry whom they superseded had added ten new members to the Council.

Ministers deem it right to state these facts, in order that a proper estimate may be arrived at of the value to be attached to the resolutions with respect to the questions raised by them.

Ministers would also observe that they can scarcely think that those members who did support the resolutions were aware of the implied censure cast on his Excellency with respect to action taken in a grave emergency under a sense of individual responsibility on this question resting peculiarly on the representative of the Crown. The only occasion on which his Excellency appears to have interposed to delay but for a few months the departure of a portion of Her Majesty's troops was in May last, and Ministers desire to state that they entirely agree in the sufficiency of the reasons advanced in his Excellency's despatches to General Cameron of May and June last for delaying the removal of the troops referred to from the recently disturbed district in which they were stationed.

With respect to the whole question, Ministers would observe that the late Ministry had been unable to obtain the consent of the present Parliament to the measures they deemed necessary to ensure the success of their plans for raising a Colonial army; the present Parliament, elected five years ago, before the rapid expansion of the population of the southern portion of New Zealand, does not now fairly represent the whole country, a Bill being now before the Legislature to add thirteen members to that part of the Colony.

The present Parliament being about to expire by effluxion of time, it was deemed desirable, and was the evident wish alike of the House and the country, that the decision of the question of the future defence of the country should be left to the New Parliament, that question must now in a few months be decided.

The position of the present Ministry is this:—When they came into office some ten days since they found that of the five regiments which the Imperial authorities had desired to be sent home, one was on the eve of embarking, and orders had been issued by his Excellency for the immediate despatch to England of the remaining four regiments.

Ministers were satisfied to leave these arrangements undisturbed, especially as the whole question involved would necessarily require to be decided after the country generally had expressed its voice with respect to it at the approaching election, and in the meantime, as stated by the first Minister in the House of Representatives, Ministers have made provision for a sufficient force to suppress any outrage that may occur on the part of the Natives.

When the new Parliament has been assembled, and the whole question of the future defence of the Colony remitted to its consideration and decision, Ministers will be prepared to propose such measures as in their judgment will provide for the future defence of the country. At the same time Ministers deem it their duty frankly to state that they are firmly convinced that the Colony in its present exhausted state, after three years of a most expensive war, is as utterly unable to raise and maintain a standing force of the amount contemplated in Mr. Weld's Memorandum of the 20th March last as it has been to pay the contribution of 40% per head demanded in respect of the Imperial troops, and that no proposal to provide for a force of that amount would be entertained by the next Parliament.

Ministers submit that, pending the decision of the next Parliament on a question of such supreme importance to the Colony, all the arrangements which they found in operation when they came into office a few days since should remain undisturbed.

Wellington, October 27, 1865.

(Signed) E. W. STAFFORD.

No. 5.

No. 5.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 147.)

Government House, Wellington, November 14, 1865.

(Received January 13, 1866.)

SIR, (Answered, No. 14, January 26, 1866, page 112.)

I HAVE the honour to transmit for your information copies of a correspondence between myself and Major-General Chute, from which you will find that I see no reason for making any change in the arrangements made for the return of five regiments from this Colony to England.

2. I beg to direct your attention to the fact that the delay which has taken place in the embarkation of the second regiment for Europe, is not to be attributed to any interference on my part, but to the difficulty of obtaining suitable transport.

3. I beg further to report that I recommended that further considerable reductions should be made in the military expenditure incurred by Great Britain in this Colony, by sending home a part of the Royal Artillery and the Military Train now serving here. Major-General Chute, however, informed me that no authority had yet been received from the Secretary of State for War for the return of any part of these corps to Europe.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 1 in No. 5.

Encl. 1 in No. 5.

SIR,

Government House, Wellington, August 9, 1865.

I HAVE the honour to acquaint you that in compliance with the instructions of Her Majesty's Government, and the wish of the Colonial Government, it is my intention to order the immediate return to Europe of five of the regiments now serving in this command, and that I am of opinion that at least one regiment per month may safely be withdrawn from New Zealand until five regiments have been sent home. I have therefore the honour to request that you will issue orders for the return of one regiment to Europe with as little delay as possible.

I have in another letter requested you to meet me at Wellington, when we shall be able to settle in detail the dates at which the other regiments can be embarked for England.

The Honourable Brig.-Genl. Waddy, C.B.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 2 in No. 5.

Encl. 2 in No. 5.

SIR,

Wellington, October 9, 1865.

ADVERTING to your Excellency's letter of the 9th of August last addressed to Brig.-Gen. Waddy, C.B., conveying your orders for the immediate return to Europe of one regiment, and your opinion that one regiment per month may safely be withdrawn until five regiments have been sent home, I have the honour to inform your Excellency that in pursuance of your instructions the 65th regiment will have embarked in the course of a few days, and with reference to the interview I had the honour

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of having with you this morning, I shall feel obliged by your Excellency's informing me whether I may make any arrangements for the departure of the remaining four regiments.

I take this opportunity of stating that the resident Transport Officer has reported that on account of the difficulty of obtaining a suitable class of troop ship in New Zealand, it will be necessary that he should have at least two months notice for securing tonnage for the conveyance of troops to England.

I do myself the honour to enclose the copy of a letter from the Secretary of State for War, dated 26th July 1865, received by the last mail.

His Excellency Sir George Grey, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) T. CHUTE,
Major-General.

Encl. 3 in No. 5.

Enclosure 3 in No. 5.

SIR,

Government House, Wellington, October 13, 1865.

IN reply to your letter of the 9th instant, regarding the views I have expressed upon the subject of the return of H. M. troops to Europe, I have the honour to state that I see no reason to make any change in the arrangements it was intended to carry out regarding the departure of five regiments from this Colony, and as the 65th regiment has already embarked, or is on the point of embarkation, I think a second regiment may be sent home at the date at which you say transport can be procured for it, viz., in about two months from the present time.

The Hon. Major-General Chute,
&c. &c.

I have, &c.
(Signed) G. GREY.

No. 6.

No. 6.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 153.)

Government House, Wellington, December 5, 1865.

(Received February 13, 1866.)

SIR,

(Answered No. 27, February 26, 1866, page 114.)

Oct. 31, 1865.

I HAVE the honour to transmit for your information a copy of a letter which has been received from Mr. Smith, the Civil Commissioner for the Bay of Plenty, reporting that our native forces have arrested 17 natives out of 23, who are believed to have taken a part in the murder of Mr. Fulloon on the 22nd of July last. As one of the supposed murderers had previously fallen in a skirmish, only five of these persons now remain unaccounted for.

2. The fact of murderers being thus arrested by their own countrymen, and given over to justice, must exercise a very powerful influence upon the native race, and must also, I think, be regarded as a sure sign that the unhappy disturbances which have for so long prevailed in this country are now rapidly terminating.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. in No. 6.

Enclosure in No. 6.

SIR,

Steamship "Sturt," off Opotiki, October 31, 1865.

I HAVE the honour to report for your information that the prisoners captured by the Arawa at Te Teko Pa, who are supposed to have been concerned in the Whakatane murders, to the number of 30 persons, were embarked in the steamship "Sturt" at Te Awa o te Atua this morning, and are now about to be landed at this place.

I have further to report that I came over to Te Awa o te Atua from Maketu on the 26th instant, accompanied by Mr. Commissioner Clarke, for the purpose of ascertaining what evidence could be procured against the prisoners, and of arranging for their being taken to Opotiki.

Most of the principal witnesses, including the survivors from the "Kate" (with the exception of Mr. Bennett White), are now on board.

Out of 23 persons named by different witnesses as forming the party which went out from Whakatane in the whale boat, and murdered Mr. Fulloon and his companions on board the cutter "Kate," 17 are now on board (one of them wounded), one has been killed, two have not been found, and the remaining three belong to another tribe (Te Whanau a Apanui), living to the east of Opotiki.

The notorious Hau Hau prophet Horomona, with the Ngatiawa chiefs who sanctioned or commanded the perpetration of the murders, are also among the prisoners on board.

The loyal Ngatiawa chief Takehu, with several of the Arawa chiefs and assessors, have accompanied me hither for the purpose of being present at the coming trial by court-martial. Mr. Commissioner Clarke has kindly offered to act as interpreter on the occasion.

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ZEALAND.

The Hon. the Native Minister,
Wellington.

I have, &c.
(Signed) THOS. H. SMITH,
C.C., Bay of Plenty.

No. 7.

No. 7.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 154.)

Government House, Wellington, December 5, 1865.

(Received February 13, 1866.)

(Answered No. 27, February 26, 1866, page 114.)

SIR,

IN order that you may be aware of the change in the state of feeling in the Natives of this Colony which continues to take place, I have the honour to enclose copies of translations of two letters which I have received from the Chief William Thompson, dated the 15th and 16th ultimo respectively. I at the same time transmit a copy of my answers to him, which I have no doubt he will regard as being quite satisfactory.

Encl. No. 1.
Nov. 15, 1865.
Nov. 16, 1865.

Encl. No. 2.
Nov. 30, 1865.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure 1 in No. 7.

Encl. 1 in
No. 7.

O GREY,

Waihou, November 15, 1865.

HEARKEN—I have been placed in difficulties by Mr. Mainwaring; he it was who wrote and invited me to go to Whatawhata to hear the words of FitzGerald.

On the 7th November at seven o'clock I started from Waihou. At ten o'clock I arrived at Maungakawa, and I heard some one there say, "Do not you go—you will not be allowed to go through" by Captain Clare. Maories can only go through if they have passes."

O Friend, what is the good of having passes at this present time? If my going had been without a cause, I had not been grieved at the doing of that captain. I remained seven hours out in the bush, where there was no food. Late in the evening I arrived at Karaapiro. By the omnibus I managed to get there by seven o'clock in the evening. Dr. Sam sent me to the hospital. At eight o'clock I returned in company with Dr. Sam to his own house.

The sentry of the redoubt pursued me and placed his gun before me. I expected he would shoot me. Dr. Sam then quickly called the corporal, and I was let go.

O Friend, these are my troubles at the hand of that captain. I had falsely thought that I had become their friend—must there still be passes? We have sat together and shaken hands, yet still they presented a gun at me. O Friend, do you condemn these passes; cause them to be done away with. That is all.

W. TAMIHANA TE WAHARAO.

TO GEORGE (GREY), GOVERNOR,

Matamata, November 16, 1865.

SALUTATIONS to you, O Grey. Do you hearken hither. The Europeans will persist in coming to look for gold in my piece of land which remains to me, for small is the piece which remains to me, and the portion which has been taken by you is great. Let them no more importune. Great is my fear lest evil arise suddenly shortly, for I do not know the thoughts of the badly disposed men; therefore am I fearful. If all the Maories held the same views, I would not be fearful. If it were the same as my thought, I had not written to you.

O Friend, keep back those Pakehas—let not those Pakehas come here and excite us.

That is all of my word.

(Signed) W. TAMIHANA TE WAHARAO.

Enclosure 2 in No. 7.

Encl. 2 in
No. 7.

MY FRIEND TAMIHANA TE WAHARAO, Government House, Wellington, November 30, 1865.

YOUR letter written on the 15th November at Waihou has reached me. I am sorry that you have been put to inconvenience when you went peacefully to talk with Mainwaring. It is very sad that of late years the Maori and the Pakeha should no longer be able to move freely about the country without doubt or fear, as we did before the war began. But let us hope that this evil will soon come to an end, and that we may all visit each other as in former days without fear of the gun or of the tomahawk. The passes have been required in order that we might know our friends from our foes; but I will cause letters to be written desiring Mr. Mainwaring to furnish you with a pass, which shall always be a safeguard.

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ZEALAND.

Your letter written on the 16th November from Matamata has also reached me. Mr. Mackay will be written to that he forbid the Pakeha from seeking for gold on your land. If you have further trouble, write quickly to Mr. Mackay, who lives at Auckland, to look after those things, and he will quickly visit you and cause the trouble to cease.

From your friend the Governor,
From (Signed) G. GREY.

No. 8.

No. 8.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 155.)

Government House, Wellington, December 9, 1865.

(Received February 13, 1866.)

(Answered No. 27, February 26, 1866, page 114.)

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch, No. 78,* of the 25th of September last, enclosing a letter from the War Department dated the 20th of the same month.

* Vide Papers
presented Feb.
1866 page 237.

2. Lord de Grey has in that letter made some remarks regarding my proceedings, which have placed me in a position of much difficulty.

3. His Lordship states that a careful perusal of Sir Duncan Cameron's Despatches proves to his Lordship that that officer has not in those communications assumed any latitude inconsistent with the high position which he filled in New Zealand.

4. On or about the 9th of April last Sir D. Cameron transmitted a communication to Lord de Grey which contained the most serious accusations against me. No copy of that letter has yet been furnished to me, and it now appears that Lord de Grey is satisfied that Sir D. Cameron, in making the accusations he then did, had not assumed any latitude inconsistent with his high position.

5. I beg to say that I think that this view of the case is most unfair to me. The Secretary of State for War has received in a confidential letter which he has not communicated to me most serious and damaging accusations against me. He must have believed those accusations to be either true or untrue. In the first case I ought to have been forthwith punished in some most exemplary manner. In the other case I cannot but think that some reparation was due to me, and that the Secretary of State for War should in serious and fitting language have expressed his entire disapproval of the course pursued by the General Officer in having made to Her Majesty's Government such unbecoming and serious accusations against the Governor of the country, against his Ministers, and against its inhabitants.

6. In my own defence I think it right to say that the accusations made against me by Sir D. Cameron were unfounded and malicious. I say this advisedly, for Sir D. Cameron's offence against me was, in regard to them, twofold, for he made them in a letter to myself on the 30th of March, and then, after full time for reflection, transmitted them to Her Majesty's Government nine or ten days afterwards, that is on or about the 9th of April, without giving me an opportunity of at the same time forwarding any reply.

7. Sir D. Cameron's excuse for this latter proceeding is invalid. He states that he thought it very probable that after I had received his letter of the 30th of March, which must have reached me before the departure of the April mail, I should have considered it necessary to notice it in my correspondence with the Secretary of State, and that he therefore sent it at once, to put the Secretary of State for War in possession of the whole case. I could understand this, if Sir D. Cameron had been defending himself against accusations I had made against him; but whence this undue and indecorous haste to send home shameful and unfounded accusations against myself and my Responsible Advisers before we could reply to them?

8. Lord de Grey, Her Majesty's Principal Secretary of State for War, received these accusations against me from Sir D. Cameron in a confidential letter which I have never seen, and his Lordship has now in a public letter signified his approval of Sir D. Cameron having made them in the manner he did.

9. The statement made by the War Department, that they were made by Sir D. Cameron in a private letter which he had not sent home officially, taken in connexion with the other statement, that a careful perusal of Sir D. Cameron's Despatches proved in Lord de Grey's opinion that General Cameron had not assumed to himself any latitude inconsistent with the high position he filled in New Zealand, may perhaps be

Mr. Cardwell's
Despatch,
No. 50,
July 26, 1865,
vide page 217
of papers
presented
February 1866.

said not to meet the question ; indeed, whilst the latter statement seems to explain all, the former statement shows that the real question is left untouched.

10. If it was thought right to leave it in this state because the question was one which it was difficult to meet, then I think instead of casting blame upon me, who had been so wronged, as has been directly or inferentially done in every one of the Despatches, Her Majesty's Government should have seen that some reparation had been made to me for the wrong that had been done.

11. It is right that I should notice incidentally other points which have arisen in this correspondence.

12. General Cameron, in his letters relating to the matters under discussion, alludes to the publication in the local newspapers of a Memorandum from my Responsible Advisers dated the 8th of April, and Lord de Grey adopts the same view of the subject as General Cameron. I have already pointed out that the Government did not publish the Memorandum in a local newspaper, but that it was copied from a Parliamentary paper into a newspaper.

13. Again, in reference to this Memorandum, Sir D. Cameron repeatedly states that he never saw the Memorandum until he read on 15th of May in a local newspaper. This is a mere play upon terms. Upon the 1st of May he received from me in a letter the whole substance of the Memorandum expressed in the same words as the Memorandum. This was the way in which I ought to have communicated it to him. I feel sure if I had simply transmitted to him a copy of the Memorandum, he would have complained that I had treated him with disrespect in so doing.

14. I enclose a copy of a Memorandum which shows the opinions I expressed upon communicating General Cameron's letter to my Responsible Advisers, and the line of policy I urged them to pursue. I still entirely adhere to the opinions I then held. It was only by communicating to my Ministers the purport of Sir D. Cameron's letter, that I should have been justified in advising them to follow strictly this line of policy. When Mr. Weld and his colleagues knew my reasons for requesting them to act as I did, they felt the necessity of such a line of conduct as keenly as myself, and none can deny that the result has been good, and that the colonists have done their duty. For their forces since that time there have been no winter quarters, no shrinking from any danger, no rest from operations in the field, no halting whilst an enemy was anywhere to be met ; and in a few months more has been done by them for the pacification of the country than years had previously achieved. To what the colonists and Her Majesty's native subjects have recently done unaided by British troops I can justly point as the best refutation of the accusations that either myself or my Ministers wished for war for the profit and gratification of the colonists ; that we did not care how many British officers and soldiers were lost in an operation so long as we gained some end of policy, or that we were as sorry as the rebels that they could not inflict a loss upon the Queen's forces with little or no risk to themselves.

15. A large expenditure has also been saved to Great Britain. The settlers have learned with what safety they can rely upon themselves. The natives will henceforth respect more fully their European neighbours, who they have found so willing to take the field and so efficient in it. The fact of the two races having fought side by side to enforce Her Majesty's authority and to repress outrage has shown the native race that their Queen has confidence in them, and that their European fellow subjects trust them, whilst both races will feel that they mutually recognize that they have common interests. All these circumstances united afford the best guarantees for the future peace of the country, and the happiness and unanimity of Her Majesty's subjects of all races.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 8.

Encl. in No. 8.

MEMORANDUM.

THE Governor having considered the recent letters he has received from Sir D. Cameron thinks it right to make the following remarks to his Responsible Advisers.

Sir D. Cameron's view evidently is that the present war is carried on for the profit and gratification of colonists. That it is in great part conducted with a view to the occupation of the Waitotara block of land, claimed by a purchase from the natives, which was an iniquitous job. That it is not surprising that the natives have resisted our road making there, and that the Government at home ought to be made acquainted with the true history of the business. That it is not probable that any Colonial Ministers would care how many British officers and soldiers are lost in any operation they recommend,

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so long as the policy they advocate is carried out; and that this subject of the loss of British officers and soldiers is a point which has never sufficiently entered into the Governor's calculations.

That at least in one instance the Governor and the Colonial Ministers would have entertained feelings in common with the rebel natives, of disappointment at an attack not being made, which it is stated by the General would have entailed a large loss on the British force with no corresponding advantage on our side.

The Governor in the first place would state that it is with the greatest unwillingness he, from a sense of what is due to the public service, remains quiet under remarks to which no one has a right to subject him.

The following observations he however wishes to make on this subject.

If a general in the field entertains such views regarding the service on which he is employed, views which many must soon find out he does hold, it appears hardly possible not to fear that operations carried on by the force under his command cannot be conducted with that spirit which more than any other circumstance tends to promote the rapidity and entire success of operations in the field.

The Governor also believes that if a Colony can only have operations carried on by being subjected to such imputations, it will be more likely to extricate itself speedily from its difficulties by relying on its own resources, energy, and courage than by depending on aid accompanied by remarks of this kind. He therefore would wish, with the assent of his Responsible Advisers, that he should inform Sir D. Cameron that the Colony will for the future carry on active operations from its own resources, and will make preparations to render practicable a speedy reduction of the force in this country, and that he should also communicate with Her Majesty's Government, and endeavour with their concurrence to carry out the proposed arrangements by which the Colony will hereafter provide for its own defence; the Colony in the meantime completing in as far as it can from its own resources the operations necessary for the subjugation of those natives who still remain in arms.

Government House, Wellington,

April 7, 1865.

(Signed) G. GREY.

No. 9.

No. 9.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 156.)

Government House, Wellington, December 11, 1865.

(Received, February 13, 1866.)

(Answered, No. 27, February 26, 1866, page 114.)

SIR,

* Vide Papers
presented Feb.
1866, page 217.

In your Despatch, No. 50,* of the 26th of July last, it is stated, in consequence of letters received by Lord de Grey, that I had made an improper and unfair use of a private letter from Sir D. Cameron. I had hoped that this accusation publicly made would have been as publicly retracted when further information had been received; but I regret to perceive that Lord de Grey, in a letter to you from the War Office of the 20th September last, is so far from retracting his previously expressed opinion after receiving further information, that he expresses a still stronger opinion against me, by saying that he is not of opinion that my knowing that Sir D. Cameron had transmitted to Lord de Grey a letter which his Lordship received, and has inferentially approved of, containing gross charges against myself and my Responsible Advisers, rendered it necessary for me to make known to them the contents of the letter in question.

2. Thus I am again made in a public document to appear to have been guilty of the dishonourable act of having made a wrong and improper use of a private letter.

3. This is a matter upon which I cannot allow any doubt to rest. I therefore say on my part that I acted honourably and properly in the matter, and that the line of conduct Sir D. Cameron would have had me adopt would have been dishonourable and improper.

4. On the first part of the question, if my subordinate officer, but still an officer of high rank, writes me a letter in which he accuses me of public crimes which would render me altogether unfit to serve Her Majesty, and marks that letter private, he has in my opinion forfeited all right to have it treated as a private communication. It rests with me, the accused man, to make it public if I think proper. If I believe he will send his accusations to Her Majesty's Government, as he actually did in this case, I have, if possible, a still greater right to treat his letter as a public document. I assert confidently that Sir D. Cameron, in making such gross accusations against me privately to Lord de Grey, one of Her Majesty's Principal Secretaries of State, and his Lordship in privately receiving them, were the wrongdoers, and not myself in treating these accusations as having been publicly made, and in meeting them as having been so made.

5. On the second part of the question, whether it was necessary for me, even if I knew that Sir D. Cameron had transmitted the letter in question to one of Her Majesty's

Principal Secretaries of State, to communicate its contents to my Responsible Advisers, I still say, with all due respect to the opinions which have been expressed to the contrary, that it was necessary for me to have done so.

6. If I had wished to give Sir D. Cameron an opportunity of recalling his letter, he shut me out from doing so by sending a copy of it home before I could communicate with him. And I am quite satisfied that every rule of right required me not to withhold from men, between myself and whom the most friendly relations existed, and with whom I was in constant intercourse regarding the very questions raised in General Cameron's letters, a knowledge of the nature of the accusations which were being made against us, and which were sent privately to the Queen's Government.

7. Upon the whole I can arrive at no other conclusion than that Her Majesty's Government have been misled by statements made to them by Sir D. Cameron, and that upon being more fully acquainted with the facts of the case they will regret having given expression to the opinions contained in their public despatches.

8. I have met this question as if the letters referred to in it had been really private letters, because I knew that even in that extreme case I had acted honourably and rightly, and conscious of this, I was determined to meet it in the extreme form in which General Cameron had placed it; but in truth they were not private letters, and he was entirely unjustified in placing the matter in this light. The letters were in the form in which almost the whole of our official correspondence had been conducted. General Cameron dealt with these letters as public ones whenever it suited his convenience or objects to do so, without giving me the least warning that he intended to do this. A remarkable instance is his private letter to me of the 5th January 1865. He sent this as a public letter in his public despatch to Lord de Grey of the 7th of January, without giving me the least intimation on the subject, although it was a letter which, unaccompanied by any explanation from myself, was calculated to do me injury with Her Majesty's Government, and regarding which I should have exceedingly desired to furnish explanations if it was to have been sent home. Lord de Grey also did not hesitate to treat this as a public letter, and published it in the Parliamentary papers of the 6th of April 1865, without any answer to it from myself being published at the same time, a proceeding which I thought entirely unfair, as this letter of General Cameron's was likely to injure me with the British Government, the British Parliament, and public, and was clearly meant to produce this effect. I, however, never said a word on the subject or complained of what had been done, nor should I now have mentioned the matter except in my own defence.

Sir D. A.
Cameron
to the Secre-
tary of State
for War,
Jan. 7, 1865.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure in No. 9.

Encl. in No. 9.

DESPATCHES from Lieut.-General Sir D. A. CAMERON, K.C.B., to the SECRETARY OF STATE
FOR WAR.

No. 1. Copy of a Despatch from Lieut.-General Sir D. A. Cameron, K.C.B., to the Right Hon.
the Secretary of State for War.

MY LORD,

Head Quarters, Auckland, January 7, 1865.

I HAVE the honour to forward for your Lordship's information copies of a correspondence which has taken place between his Excellency the Governor of New Zealand and myself, relative to proposed military operations in the Whanganui district.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

I have, &c.
(Signed) D. A. CAMERON,
Lieut.-General.

MY DEAR SIR GEORGE,

Auckland, January 5, 1865.

NOT having yet heard how the question between you and the Ministers regarding the employment of troops at Taranaki and Whanganui has been settled, I hardly know what information to give the authorities at home; but if the instructions I have already received from you on the subject remain unaltered, I suppose I shall not be wrong in stating to Lord de Grey that there is no prospect of an early reduction of the force or of the military expenditure. Indeed, if the extensive scheme of confiscation, road-making, &c., contemplated by Ministers (in which I do not know whether you concur or not) is to be carried out, I think we ought to apply at once for reinforcements.

Very truly, &c.
(Signed) D. A. CAMERON.

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No. 10.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 157.)

Government House, Wellington, December 12, 1865.

(Received February 13, 1866.)

(Answered No. 27, February 26, 1866, page 114.)

SIR,

I HAD the honour to receive, upon the 8th instant, your Despatch, No. 76,* of the 22nd of September last, directing me to report upon the subject of a Despatch addressed by General Cameron to Lord de Grey upon the 7th of July last, regarding a block of land at Waitotara.

2. I believe a consideration of Sir D. Cameron's Despatch will show how entirely unfit a person he was to have been intrusted with the duty of making, behind my back, confidential communications to Her Majesty's Government, occasionally unfavourable to myself and my Ministers, regarding the management of affairs in the Colony, as far as they relate to the manner in which the troops are employed, which terms seem to have included every subject.

3. I have, ever since I have known this system prevailed here, earnestly remonstrated against it; but I feel quite sure that a perusal of Sir D. Cameron's Despatches of the 7th of July will show, that to give to a person so eminently disqualified for the task such a secret and irresponsible power over me was to ensure my ruin, and to render it certain that serious differences must arise between myself and Her Majesty's Government.

4. I find it difficult to write with calmness on such a document as Sir D. Cameron's letter of the 7th of July is, but I shall strive to make the matter as clear as I can.

5. In the first place, the subject treated of is the purchase of a block of land by the Government from the natives, which purchase, according to Sir D. Cameron, was "an iniquitous job."

6. Whether this was true or not, it was clear that no differences ought to be allowed if possible to rise on such subjects between the Government and the Queen's subjects. But General Cameron, in making the several charges against me contained in his Despatch of the 7th of July, has not mentioned to Her Majesty's Government that, from a determination to prevent such difficulties taking place for the future, I, upon the 17th of May, 1865, issued a proclamation revoking all commissions authorizing the purchase of lands on behalf of the Crown from the aboriginal inhabitants of the Colony of New Zealand, and proclaimed that the Native Land Purchase Department was from and after that date done away with, and ceased to exist. Only those well acquainted with the Colony can tell how great a constitutional change this was, and what prejudices, interests, and feelings had to be overcome before it could be brought about.

7. I had also advised the preparation of a measure for the establishment of Courts which could entertain, hear, and decide all disputed questions connected with native lands. This is now the law of the Colony. In all these proceedings my Ministers were cordially advising, originating, aiding, and assisting.

8. Thus every precaution in my power, or in that of my Ministers, or of the local Legislature, had been taken to prevent any difficulties with regard to land purchases taking place for the future.

9. General Cameron leads Lord de Grey to believe that he only casually received an account of the transactions connected with the purchase of the Waitotara block of land as he was riding near Whanganui, a day or two after the engagement at Nukumarū (26th January 1865). He further states that he had no means of ascertaining the truth or falsehood of the account he received, but that his informant was a very respectable settler (name unknown, or at least kept back), who had been a long time in the country, and appeared well acquainted with the history of the transaction.

10. This account of the matter is inconsistent with General Cameron's letter to me of the 28th of January, in which he tells me, "Since I have been in this part of the world I have made inquiries about the purchase of the Waitotara block, and have reason to believe that it was a more iniquitous job than that of the Waitara block. I am not surprised that the natives have opposed our road-making. The Government at home ought to be made acquainted with the true history of the business." Nor is it consistent with his letter to me of the 11th of January 1865, from which it appears that even prior to that date the officers of the head quarters' staff had been making inquiries into the subject, and had reported to the General, "One thing is very certain, and that is that the men who sold the block had no right to do so, and it is the old Waitara dodge for getting up a war, and the consequent military expenditure at

Encl. No. 1.
Proclamation
in Gazette,
dated May 17,
1865.

* Vide Papers
presented Feb.
1866, page 231.

“ Whanganui.” Nor is it consistent with the fact, that from the head quarters a letter was written by a distinguished officer on the 4th of February to go to England by the next mail, after the General's letter to me of the 28th of January, which was published in England, and attacks me in the most shameful manner in reference to this Waitotara block of land, using some remarkable words, also used in the General's letter to me.

11. Sir D. Cameron also complains that after the land was purchased by the Government it was then hurriedly sold, without the usual notice by advertisement, to a few speculators in Wellington at ten shillings an acre, the sum realized being 13,000*l.*, the amount paid to the natives being 2,500*l.*

12. He knew quite well that if this was true I had nothing to do with it. I had no more control over the matter than he had. The land must have been sold according to law. If any wrong had been suffered by any individual, there were the courts of the country, there was also its Legislature. Conceive a general officer riding out of London and meeting a man on the road who complains that the Corporation of London have sold land lawfully, but in his opinion unfairly; that the General thereupon reports this to Lord Palmerston, who, not inquiring personally into the matter in a manner satisfactory to the General, is supposed to have neglected his duty, and is called upon to defend his conduct. Were it not for the mischief done to me from such publications in England as the one I send home a copy of, from the difficulties I am drawn into with Her Majesty's Government, and the trouble and annoyance I am compelled to undergo, the nature of the complaints made would be ludicrous.

13. Again, Sir D. Cameron reports regarding me, “ It is a matter of some surprise “ that instead of formally referring it to his Responsible Advisers, as appears by his letter “ of the 9th of June, his Excellency did not at once satisfy himself regarding the merits “ of a question which so immediately affected the prolongation of the war; and this is “ the more strange as, if the account I received was correct, the purchase of the “ Waitotara block was a very similar proceeding to that of the Waitara, which Sir “ George Grey had so severely condemned.”

14. Now what chance have I against such a correspondent making unfavourable confidential reports of me to Her Majesty's Government?

15. I am sent here to govern constitutionally; a complaint is made to me, which I have no power, means, or machinery for investigating, except those constitutionally provided for me.

16. The information on which this complaint is based, and on which information I am anonymously and scurrilously attacked by a distinguished officer at head quarters in the English newspapers, is now said to have been received from a very respectable man (name unknown) met with on the road. I, however, had received it courteously and considerately, and had formally referred it to my Responsible Advisers. My doing so is stated to have been a matter of some surprise; why, I am at a loss to conceive. The statement as it is written would injure me with those at a distance who did not reflect on the nature of the Government here, or who did not know it; but what else could I have done? Sir D. Cameron knew as well as I did that I had done what was right, and all that was in my power.

17. He does not, however, state fairly for me what I had done. On the receipt of his complaint I had told him as follows:—

“ Upon the receipt of your letter I felt that I ought not to rest under the imputation of holding back any information from Her Majesty's Government, I therefore immediately requested my Responsible Advisers to appoint a commission to inquire into any facts which rendered it probable that the purchase of the Waitotaro block of land was ‘an iniquitous job.’”

“ They inform me that they have made all inquiry they can, and find no grounds whatever for thinking that the purchase of the Waitotara block was a job. That they are most anxious to appoint a perfectly independent commission to inquire into any complaints in regard to the purchase of this block of land, but that they have no such complaints before them, and do not know what points they should direct the commission to inquire into.”

“ As I am very anxious to do justice in this matter, to do my duty to the Home Government, and to keep nothing back from them of which they should be informed, I should feel very much obliged to you if you would inform me of the nature of the inquiry you made about the purchase of the Waitotara block, what are your reasons for believing that it is an iniquitous job, and upon whose information your opinions were founded.”

“ Immediately I am in possession of this information a full inquiry shall be instituted into the whole matter, and ample justice shall be done, as the state of the country will now, I believe, shortly permit of such proceedings being carried out.”

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18. I would put it to anyone, whether if a general officer had accidentally picked up a complaint on the road from a person he met riding, which complaint he reported to the Governor, and the Governor had told him that the Ministers had done all they could in the matter, and found no grounds whatever for thinking the complaint had any just foundation, it would not have been reasonable for him to have rested satisfied with that assurance, and to have thanked the Governor for what he had done, or if General Cameron believed that the complaint was well founded, that it ought to be *at once* inquired into as it so immediately affected the prolongation of the war, was it not his bounden duty to have furnished me on the 12th of June last with any information which might have enabled me to follow up the inquiry, instead of refusing to do so, and sending his information round by way of England, so that I did not receive it until the 8th of December. I can see no desire for justice in this, either for the natives or for myself.

19. General Cameron in his Despatch of the 7th of July reports to Lord de Grey as follows:—

“The Government anticipating opposition to the occupation of the block commenced a road from Whanganui to the Waitotara, with the object of facilitating the military operations which they foresaw would result from the disputes about the purchase of the land.”

20. I affirm confidently that this is contrary to fact. When in March 1865 he put the question to me, “I wish therefore that you would inform me whether you consider the immediate possession of the Waitotara block of such consequence that you wish me to attack the Wereroa Pa at once notwithstanding the risk to which I have referred.” I answered him, “The idea of the question of the possession of the Waitotara block has never entered into my calculations.”

21. Sir D. Cameron then goes on to say in his Despatch of the 7th July,—

“To the construction of this road the natives made no serious opposition until it reached the boundary of a section of the land reserved by the natives under the first agreement, and known as Hori Tipene’s reserve. In it the Wereroa Pa was constructed as a protest against the further continuance of the road.”

Encl. No. 3.
Memorandum
by Sir George
Grey, July 18,
1865.

22. You will find from the enclosed Memorandum that ten days after General Cameron wrote this I had an interview at the Wereroa Pa with the principal chiefs of the natives alluded to by Sir D. Cameron, who were then in arms, and they voluntarily but distinctly told me that the Pa was erected on land which belonged to the Government, and that they had no right there. It was the priest of the fanatics, who in consequence, as he said, of orders from their gods would not allow them to give the Pa up, and those who resisted rather boasted of keeping us off land which belonged to the Europeans.

23. Thus at the very time General Cameron was complaining of my not investigating this complaint I had gone to the Pa, and heard what they had to say; and this at a very great risk. If investigation had been so urgently necessary, why had not General Cameron gone to the Pa long previously? He had abundant opportunities to do so.

24. I really do not know what farther to do in this matter. I do not think that General Cameron has given up the real source of his information; I believe that that is to be looked for in connexion with his letter of the 11th of January.

25. I have no means of finding the very respectable settler he met with on the road. The General has refrained from giving his name, and the description is so vague that no one could recognize him. My belief is they are all ashamed of what they have said and done in this matter. At all events I have no complaint before me. My Ministers tell me they can do nothing more. The natives in arms on the spot stated that the land belonged to the Government and that they had no right there. The only grievance I can hear of connected with the matter is an allegation that the purchase money of the block of land has not been fairly shared amongst the owners of it, and this complaint it will be seen from the enclosed correspondence is being inquired into. This complaint shows that the validity of the purchase is admitted even by the complainants.

Encl. No. 4.

26. I have omitted to mention that the chief of the Wereroa Pa himself, a man named Pehimana, now fully admits how wrongly he has throughout behaved. The enclosed letter from him of the 6th instant shows this. In his own quaint language he says,—

“Oh! father the Governor, I have returned to my parent, my cry is:—‘I will arise and go to my father and say, Father I have sinned against thee.’”

27. I can only wish that General Cameron would view it in the same light, and that the matter could thus happily terminate.

I have, &c.
(Signed) G. GREY.

Encl. No. 5.
Pehimana to
Governor
Grey, Putiki,
Dec. 6, 1865.

P.S.—Fifty-seven prisoners, with their arms, having been taken when the Weraroa Pa was captured, amongst whom were several leading chiefs, it was thought desirable to see if they had any complaint to make regarding the purchase of the Waitotara block of land, and whether they had constructed the pa as a protest against the further continuance of the road through that land.

It will be found from their statement that they allege that the pa was planned not by the original owners of the land, that it was principally built by the Waikatos, who built it to fight the Europeans, for the same reason that they had built so many pas in their own country; that had the Waikatos not come there no fighting would have taken place until the road had crossed the Waitotara River; that at length the sellers of the land assisted in building the pa lest it should be thought they were abandoning the King movement; that the building the Weraroa Pa had nothing at all to do with the purchase of the land at the Waitotara, and they emphatically insist that that purchase was a straightforward one. This statement exactly accords with that made to me by chiefs of the Waitotara block upon the spot, and with arms in their hands, which they intended to use.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

G. G.

Statement by
natives on
board the hulk,
Dec. 14, 1865.

Enclosure 1 in No. 10.

PROCLAMATION.

By his Excellency SIR GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS Her Majesty has been pleased to assent to "The Native Lands Act, 1862," and by Proclamation of the Governor, dated the twenty-ninth day of December One thousand eight hundred and sixty-four, the operation of that Act has been extended over the whole Colony of New Zealand:

And whereas the operation of this law renders unnecessary the continuance of the Native Land Purchase Department, by which, prior to its enactment, the cession of native lands to the Crown has heretofore been conducted:

And whereas other provisions will from time to time be made for any future cessions of land to Her Majesty which the Governor may permit to be made under clause thirty-two of the said Native Land Act, 1862:

Now therefore I, the Governor, do hereby revoke all commissions authorizing the purchase of lands on behalf of the Crown from the aboriginal inhabitants of the Colony of New Zealand, and do proclaim that the Native Land Purchase Department will from and after the date hereof be done away with and cease to exist.

Given under my hand, at the Government House at Auckland, and issued under the Seal of the Colony of New Zealand, this seventeenth day of May, in the year of our Lord one thousand eight hundred and sixty-five.

By his Excellency's command,
WALTER MANTELL.

G. GREY.

Enclosure 2 in No. 10.

Further MEMORANDA between his Excellency the GOVERNOR and MINISTERS.

No. 1.—Memorandum by the Governor.

RUMOURS having reached the Governor from sources which appear entitled to consideration that the purchase of the Waitotara block was a discreditable one, which rendered it no matter of surprise that the Natives there have opposed our road making, and that the Home Government ought to be made acquainted with the true history of the business, the Governor would suggest that an inquiry should be instituted into this transaction, and a full report made upon it for the information of the Home Government.

4th March 1865.

(Signed) G. GREY.

No. 2.—Memorandum by Ministers.

MINISTERS have taken into consideration the Governor's Memorandum of March 4, on the subject of the Waitotara purchase.

They have already expressed their perfect readiness and anxiety to institute an inquiry into this question, although they fail to apprehend that the validity of that purchase has any bearing upon the present attitude of tribes which are now opposing by arms the progress of Her Majesty's troops, and which have for years, long prior to the conclusion of that sale, been committing and instigating outrages upon both European and Native subjects of Her Majesty the Queen.

They are prepared to recommend that Sir William Martin, late Chief Justice of New Zealand, should be requested to undertake the duties of Commissioner, should such an appointment meet with the full concurrence of his Excellency the Governor.

Ministers, however, before instituting this inquiry respectfully request the Governor to specify the

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sources appearing to his Excellency "entitled to consideration," whence the rumours "that the purchase of the Waitotara block was a discreditable one" have arisen.

His Excellency will observe that, in reply to his Memorandum of the 4th March referring to accusations reflecting indirectly upon his Excellency's own character and upon those of his Responsible Advisers, Ministers in deference to his wishes, and having in view the welfare of the public service rather than any consideration of what might be justly due to themselves, have replied to the accusation, and at the same time have abstained from urging that the charges should be supported by the name of their accuser; but in this instance the case is different.

They cannot request a gentleman of the position of Sir William Martin to undertake an investigation into the conduct of a public servant appointed by his Excellency on the recommendation of their predecessors to high and important trusts upon simple rumours. Nor would it be just or conducive to the public interests that Dr. Featherston or any other gentleman serving the Government in any capacity should be arraigned on the charge of having carried out a purchase or performed any other official act in a "discreditable manner" without being able to furnish him with the name of his accuser and with the specific grounds upon which the accusation rests.

Ministers therefore request that his Excellency will furnish them with the requisite information, and that he will signify his approval of the appointment of Sir William Martin, or suggest the name of any other gentleman that he may think more eligible as Commissioner to inquire into the facts of the Waitotara purchase.

Wellington, 18th March 1865.

(Signed) F. A. WELD.

Encl. 3 in
No. 10.

Enclosure 3 in No. 10.

MEMORANDUM by GOVERNOR, July 18, 1865.

On Monday the 17th July, at about 1.30 p.m., I arrived at Maeneene, accompanied by General Waddy and others, and found about 380 Natives, under Captain M'Donell, encamped at 2,000 yards from the Weraroa Pa, and about 130 bushrangers, under Major Von Tempsky, encamped at about 800 yards from the pa, the whole under the command of Major Rookes of the Militia, who had been for some days in the Pa of Perikamo, under and distant about 400 yards from the Weraroa Pa.

Pehimana and Aperahama, two of the principal chiefs of the pa, were awaiting my arrival; two other principal chiefs, Hori Tipene and Ruka, were left in the pa.

The purport of their communication was that they admitted that the pa was erected on land which belonged to the Government, and that they had no right there, and that therefore all the leading men had placed the pa in the hands of Hori Kingi of Wanganui, to give the pa up to me; but they wished time to be given to them to remove their women and children. This was promised them.

I asked Hori Kingi would he go and take possession of the pa. He refused to do this.

I saw he was afraid of being murdered, and he has since said this was the reason of his refusal. I then said I should go up and take possession of the pa, and that he must accompany me. I understood that he would, but he was evidently unwilling and distrustful.

The two chiefs Aperahama and Pehimana went on to make preparations for my reception. I had for two days been satisfied in my own mind that all intention of giving the pa up had been abandoned by the mass of the people in it, and that they would not do it, and were only pretending in order to gain time. The general opinion of the interpreters and others on this point was different to mine.

Presently Captain M'Donell came back from Perikamo, and said the Natives wished me to go up and take possession of the pa. He was quite satisfied they intended to give it up.

I proceeded, accompanied by General Waddy, Major Gray, Captain Bulkeley, Colonel Trevor, and others, Mr. Parris as interpreter. When about 120 yards from the pa, in which a white flag was flying, the Natives came out of the pa and asked me to halt. A Native then asked me, Were they to understand that time would be given to them to remove their women and children. I replied, Yes, that had been arranged.

They then asked me were they to understand that they would not be personally punished for their rebellion. I replied they would all be pardoned except murderers, and so far would they be from being ill-treated that those who returned to their allegiance would henceforth be treated in all respects as the Queen's European subjects.

They then said it was all satisfactory, and Aperahama, the principal chief of the pa, came out and requested that Hori Kingi and myself alone would at once go into the pa.

Hori Kingi came to my side (we were on horseback), and said, "O Governor, do not let us go in. Ride up and touch the fence with your hand, and let that satisfy you; do not let us go in."

I saw he was in great fear of treachery. Several of the Natives earnestly begged me not to go on, saying the people in the pa were fanatics, given up to old customs.

I told Hori Kingi that he must come on; he gave way, and Mr. Parris, myself, Hori Kingi, and Hori Kerei rode on towards the pa. When we arrived within about 30 or 40 yards of the pa the priest of the fanatics came out and ordered the Natives not to allow us to come farther, that they would not give up the pa; and Hori Kingi said that he saw their guns prepared, and that we should be fired on if we moved on; and the friendly chiefs of the Weraroa Pa, who stood between us and the pa, seeing what was intended, prayed us not to go on.

We remained a short time, and then returned to the main party, and all rode back to Maeneene. Pehimana finding that his people would not give up the pa, came in and gave himself up; Aperahama came in the next morning and gave himself up. A principal chief, Ruka, left the pa the same day as Aperahama, with 10 followers, but would not give himself up here; he left word he would meet Mr. Parris at Patea.

* * * * *

Enclosure 4 in No. 10.

MEMORANDUM ON WAITOTARA PURCHASE.

May 11, 1859.—500*l*. paid on account of 30,000 acres at Waitotara to Ngarauru Natives; the Ngatiuanui Natives resisting the purchase.

February 1, 1860.—Mr. Deighton complains that the Maories ask for too large reserves, especially at Perekama, a reserve of five miles long.

It appears from a subsequent letter, April 28, that difficulties are arising from the unsettled state of affairs at Taranaki, as well as about the price to be paid (*i.e.*, the balance).

The reserves amount to 7,301 acres, leaving a block of 24,900 acres, of which 7,500 acres are poor land, leaving 17,400 acres for a price of 2,500*l*.

On September 4, 1862, Dr. Featherston asks for 2,000*l*. to complete the purchase, and 1,000*l*. to complete surveys, out of the Land Purchase Loan.

On July 4, 1863, the purchase was effected, and the money, 2,000*l*., paid to Piripi and Rio, who gave a receipt in full.

In April 1865 a claim is put in by Reliari and others to part of the payment, on the ground that they were ignorant of the day of sale.

This Dr. Featherston distinctly denies; see Minute of July 21.

The Natives have been promised that there shall be an investigation by two successive ministers. It remains for Government to determine the manner and time of this investigation.

(Signed) W. ROLLESTON.

MEMORANDUM for MR. HALSE.

April 5, 1865.

Rihari Mokaikereru Te one Putuangaanga and Wi Turaki, formerly of Waitotara, but now living at Te Aro, state that they received no portion of the payment for Waitotara, they now wish to receive some of it; if none remains they propose that the reserves be sold, and proceeds be given to them. They wish particularly that this be done at once, before any of the former residents that have been implicated in the rebellion come in and make their submission, and a portion of the reserves, or proceeds of reserves, revert to them.

The reserves in question are 13 in number, viz., Makino, Te Karaka tariera Whakairi, Areiahi, Perekamu, Kaipō, Maeneene, Nukumaru-okananga, Pukemahoe, Pukengaio, Pakaraka, Okeku, and Kaiuvi.

They request that a time be appointed by the Native Minister for further hearing if necessary.

(Signed) E. W. PUCKEY,
Translator, Native Department.

Te Aro Pa, Wellington, April 18, 1865.

Friends, Mr. Weld and Mr. Mantell. Friends, salutations to all of you.

Friends, do you hearken, your letter has come to us, we have seen it; you said, "Hereafter let your land claim be investigated."

Friends, we are not willing that it be left in abeyance a long while, because that land is (in your possession) in your hand; what we wish is, that the money which remains due on the purchase, 500*l*., and the money for the reserves which are "in statu quo," and have not yet been advanced, be given to us now; do not withhold it, but give it straight away to us; let it not be long; give, that is all from all of us.

RIHARI MOKAIKERERU.
HONE TE PUTU.
WITURAKI.

SIR, MR. MANTELL,

Te Aro Pa, Wellington, April 24, 1865.

THE word of Rihari is correct which has reached you about Waitotara, that word is from all of us, for Dr. Featherston did not give us any of the money for Waitotara; that land belongs alike to Mohi and myself, the payment for which has been consumed; you must give us some money for that which has been spent by others.

That is all.

HEMI PARAI.

TO GOVERNOR GREY,

Te Aro Pa, Wellington, June 27, 1865.

SALUTATIONS to you, the parent of (all) men, and also of the orphan; sufficient are these our expressions of greeting. Do you hearken, this is a word of ours respecting our land, respecting Waitotara, the portion the money for which has been taken (paid); our hands touched not any of that money, no, not any of it; we constantly urged Dr. Featherston to give us some money on that account, but none was given us, and Dr. Featherston said that when he went to Whanganui then he would give us some money. I went, and when I got there he did not give any, none at all; but now we will continually bring the matter before you, so that some of the money may be given us; do you yourself give it us, the money for the reserves, at once upon the receipt of our letter, do not you long delay it;

NEW ZEALAND. do you hearken, the payment for the reserves is the sum of one thousand four hundred and seventy pounds. That is all our word to you.

RIHARI MOKAIKERERU.
HAKARAIA TE POHO.
HEMI PARAI.

MEMORANDUM.

I AM satisfied that these parties have no claim to any portion of the Waitotara purchase money. Though aware of the day of payment they did not attend; and when they subsequently went to Whanganui for the avowed purpose of putting in their claims, they never ventured to broach the subject though they lived with Rio in the Pakariki Pa some ten days.

(Signed) J. E. FEATHERSTON.

July 21, 1865.

TO MR. ROLLESTON,

Te Aro, Wellington, July 26, 1865.

FRIEND, salutations. Your letter has come to us, but the word to you was the Governor's; he expressed it to you. Do you hearken. We say that the word which you have written to us is wrong, viz., that we had heard what day that payment would have been made. Do you hearken; if we had heard of that day, we should have gone down there; but this, do you hearken, the going there of Dr. Featherston was a secret, going to Whanganui. When he arrived there he laid down the money. When he came back here Hemi (Parai) went to the office; Mr. Hamlin then informed Hemi, and when he returned from there he told us, "Sons, the money for Waitotara has been expended."

That is the reason why we have importuned that some of the money be given us by Dr. Featherston; and as he did not give it, we took it (the case) to Mr. Mantell and Mr. Weld. They made answer, "When Dr. Featherston comes back from the other side it shall be investigated." We waited for that investigation, but not hearing of any investigation for Dr. Featherston (this proceeding of Dr. Featherston's) we have (on this account) taken the matter (letter) altogether before the Governor. Do you understand the subject of our request is quite clear to ourselves as regards the money of the reserves; there is no darkness with regard to the matter in our minds (our claims are valid); according to our idea they are correct. Now, why is it that you gave money to those men who are fighting against the Queen, and why none to us, the people who are quietly sitting beneath the shadow of the Queen? But now we will still persistently urge upon you to give some money for us; do not withhold it, but rather return an affirmative reply to-day upon the receipt of this by you. If you see this, write in reply.

That is all.

RIHARI MOKAIKERERU.

Inform Rihari Mokaikereru that the Government are about to make a further inquiry respecting the purchase at Waitotara, when he will have an opportunity of urging his claims.

August 1, 1865.

(Signed) J. C. RICHMOND.

TO MR. ROLLESTON,

Te Aro, August 3, 1865.

FRIEND, salutations. Your letter has come to us who are living here. We are well pleased with that word which you have written to us. Do you hearken to what we think. The matters relative to the reserves are quite clear, because the money has been expended, that is the reason why it is clear to us. If it were land that had been secured by the payment of a portion of the price fixed, in that case the whole circumstances should be inquired into; but as it is, the whole of the money has been expended, and your inquiry into all the particulars will not take long. Only let us know the day fixed for your inquiry, and send for us to be also present, so that we may speak together with you. That is all. Those words are from us all.

(Signed) RIHARI MOKAIKERERU.

TO MR. ROLLESTON,

Te Aro Pa, September 11, 1865.

FRIEND, salutations. Mine is a word to you. What are you doing in the matter we were talking about (in reference to our previous correspondence), regarding the money for the reserves of my place at Waitotara? For this is now September, but no voice from you has come forth to me, so as I may know that you still cause to remember what we talked about, lest it should be forgotten by you. But rather let another word come forth from you, for my thoughts still rest upon our talk about the money for the reserves. If you were to give me some of the money for the reserves, in that case I would cease to importune you; but as it is, I will continue to importune you. My word urging you to give me the money, which I persist to importune you for, will not cease. That is all.

(Signed) RIHARI WUNU (MOKAIKERERU).

Enclosure 5 in No. 10.

To my Father the Governor.

SIR,

Putiki, December 6, 1865.

SALUTATIONS! hearken, my regard for my tribe has ceased as the evil has become great (through their conduct). I remained there (among them) a long time anxiously endeavouring by argument to induce them to cease doing wrong, but they would not hearken to me. After my arrival

in Whanganui they committed two murders, viz., those of Kereti and Mr. Broughton. The result of which is that I have resolved to treat them as enemies.

It is for your Excellency to consider about removing the veil from my eyes that I may be able to see them for they have become my foes, and my respect for them has ceased. How often are they, my tribe, to do evil to me, and I (be expected) to forgive them?

This is my Ngeri—

“Heaven, O Earth! your love is divided. The discussions and the arguments have continued long, and the evil thoughts and intentions having occasionally shown themselves by angry words and speeches have at length openly manifested themselves (in the murders of Kereti and Mr. Broughton).”

O Father the Governor, I have returned to my parent. My cry is, “I will arise, and go to my Father, and say unto him, Father, I have sinned against thee.” This talk is from me,

Your truant son,

PEHIMANA TE TAHUA,

Of Waitotara.

To Governor Grey.

KI TOKU MATUA KI A TE KAWANA,

Putiki, Tihema 6, 1865.

TENA KOE: kua mutu taku aroha ki taku no te mea ka nui rawa te kino i reira ano au e whakamoe ana ki te korero kia mutu te kinokaore rawa i rongu, tae noa mai ahau ki Whanganui nei noho ai. Ka rua nga kohuru i muri i au, ko Kereti, ko Tare; heoi kua waiho raton nei noa riri ki au. Kei a koe te whakaaro kia hura hia te arai i oku kanohi kia kite au i a raton no te mea kua waiho raton hei hoa riri moku; no te mea kua mutu noatu taku aroha ki a raton, te kupu ra kia hia haranga a toku iwi ki a ahau me taku muru i tana hara, ke Ngeri tera. Raugi e papa, ka wehe ra te aroha, e no mua ra nga ki, nga korere whakapuru rawa, katohi nei ka puaki.

E pa e te kawana, kua hoki mai au ki toku matua ki a koe, taku tangi ra, ka whakatika atu ahau ka haere ki toku matua ka mea atu ki a ia, e Pa kua hara ahau ki a koe.

Naku na te tamaiti oma tenei korero.

NA PEHIMANA TE TAHUA, o Waitotara.

Ki a Te Kawana Kerei.

Enclosure 6 in No. 10.

Encl. 6 in
No. 10.

STATEMENT by NATIVES on board the Hulk regarding the Weraroa.

Question.—Thaia Tataraimaka, who was it that planned the Weraroa Pa?

Answer.—Waikato.

Question.—Who were the Waikato chiefs who planned the Weraroa Pa?

Answer.—Taati Te Waru, Raureti (since killed at Patea), Tawana Tikaokao.

Karehana Tahau rose and stated that these were all the Waikato chiefs who planned the Weraroa Pa.

Question.—What did Waikato build the pa for?

Answer.—To fight the Europeans, to stop the road making.

Question.—While the pa was being planned and built, what was Ngarauru doing?

Answer.—Planting potatoes and cultivating the soil. Hare Tipene and people removed all their property to the right bank (the north side) of Waitotara.

Question.—What part did Pehimana take in building the pa?

Answer.—None at all. All he cared about was to prevent the road being made across Waitotara. Waikato built the pa, but when the rifle pits were being constructed, then Ngarauru joined in and helped.

Question.—Why did Ngarauru assist in making the rifle pits?

Answer.—Lest our friends should think that we were abandoning the King movement.

Question.—Then the Weraroa Pa was built to stop the road, but without any reference to the Waitotara land?

Answer (Matiu Koreherua).—The Weraroa Pa was built only to stop the road, and had nothing at all to do with the land at Waitotara. That was a straightforward purchase.

This question was repeated. The answer was the same.

Question.—Then the reason Waikato built that pa was to fight the Europeans?

Answer.—Yes. Waikato built that pa to fight the Pakeha, in the same manner as they built Rangiriri, Paterangi, and the other pas in their own country. If Waikato had not come, fighting would not have taken place until the road had been taken across Waitotara. Then we would have fought, because we should have thought that the road making was to provoke fighting.

The above statement was made in our presence.

Wellington,

December 14, 1865.

H. HALSE, Assistant Under Secretary.

E. W. PUCKEY, Translator, Native Department.

NEW
ZEALAND.
No. 11.

No. 11.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 158.)

Government House, Wellington, December 12, 1865.

(Received February 13, 1866.)

SIR,

(Answered No. 27, February 26, 1866, page 114.)

* Vide Papers
presented Feb.
1866, p. 231.

ADVERTING to your Despatch, No. 76,* of the 22nd September last, enclosing a letter from Sir D. Cameron to Lord de Grey, dated the 7th of July 1865, making the most serious accusations against me in reference to the Waitotara block of land; in order that you may understand the persecution to which I have been subjected, I beg to call your attention to the following circumstances, to which, up to the present date, I have silently submitted.

Encl. No. 1.
Sir D. Cameron
to Sir G. Grey,
28th Jan. 1866.

2. General Cameron, upon the 28th of January last, wrote to me a letter (a copy of which is enclosed), containing offensive and irritating remarks, especially in relation to this Waitotara block of land.

Encl. No. 2.
Extract from
the "Morning
Star," May 13,
1865.

3. On the 4th of February last, that, is, seven days subsequently to the date of General Cameron's letter, a letter was written by a distinguished officer from General Cameron's head quarters, the genuineness of whose communication was vouched for, which was published in the English newspapers.

4. This letter was written in time to go home by the next mail, which left for England after the date of the General's letter to me; and even the very words of his letter, and unusual words, are made use of in this letter which emanated from his head quarters, which clearly shows how fully his views had been communicated to the force under his command. * * * * *

Encl. No. 3.
Extract from
Auckland
newspaper,
Aug. 14, 1865.

5. That at least in some of the communications made to the press regarding me the General interposed directly will be shown from the enclosed extract from an Auckland paper of the 14th August last. In this case an officer of his staff was the means of communication employed, and the information he furnished regarding me was clearly untrue and injurious.

No. 116, Sept.
13, 1865,
printed at
page 181 of
Papers
presented
February 1866.

6. In another Despatch to you I forwarded a copy of a most offensive letter in relation to myself which Sir D. Cameron published in his own name in the Colony of Victoria, which was so published as to go home by the same mail as Sir D. Cameron, without giving me any opportunity of reply.

7. All this I have submitted to in silence. I neither provoked it, or defended myself against it by any recourse to the press. All editors of newspapers in this Colony or elsewhere will testify for me, that I have never either directly or indirectly taken steps to have anything inserted in a newspaper even in my own defence.

8. On the other hand, persons who were daily attacking me in the papers were living at General Cameron's head quarters as special correspondents, rationed and in various ways assisted at the public expense. The consideration with which they were treated by the General, and their opportunities for obtaining information, necessarily imparted an importance and probable authenticity to their statements adverse to myself, which were most injurious to me. No necessity existed for public funds being expended in rationing or aiding in any way these persons. No other officer in command of the forces in New Zealand has ever done so, at least to my knowledge, and I have never done it myself. The power of doing this exercises a most injurious influence on the public service. It has been used to embarrass and thwart me, and I earnestly recommend that the War Department in reducing its expenditure in this country should get rid of this unnecessary and mischievous item.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,

(Signed) G. GREY.

&c.

&c.

&c.

Encl. 1 in
No. 11.

Enclosure 1 in No. 11.

Lieut.-General Sir D. A. CAMERON to his EXCELLENCY THE GOVERNOR.

MY DEAR SIR GEORGE,

Whanganui, January 28, 1865.

BEFORE this reaches you you will probably have seen some account in the papers of our fight with the Maories on Wednesday last. It was by far the boldest attack they have yet ventured to make. The nature of the ground surrounding our camp enabled them to assemble near us unperceived, and our picquets were attacked so suddenly that they were forced back some distance before reinforcements could arrive to their assistance. They attacked our front and right flank simultaneously. On our right they penetrated to within 150 yards of our camp, when being turned on the left, and charged by

our small party of cavalry, they gave way and fled to the bush a good deal faster than they came out of it. The fight lasted longer on the left, but they were beaten back on that side also, and obliged to retire into the bush. Our loss was considerable; but the Maories must have suffered still more severely, although we did not pick up more than eleven dead bodies and two wounded men. With one exception the killed and wounded were natives of Kawhia, the Ngatiruanui having, according to their custom, kept well out of danger. We were informed by one of the wounded that the attacking party was 600 strong, and as they left a garrison in the pa, they must be in considerable force on the Waitotara.

I consider my force insufficient to attack so formidable a work as the Weraroa Pa. It would be necessary to establish two posts to keep our communication open with the Whanganui, and we should have to furnish escorts daily for convoys. This would reduce my force to 700 or 800 men, which would not be sufficient to provide for the protection of the camp in such a country and at the same time to carry on all the laborious operations of the siege.

Instead of 1,100 men, my present available force, I should require 2,000. Besides, I should not have a single soldier left in reserve, and if anything should happen in any other part of the settlement, it would take a week or ten days to remove all the stores and raise the siege. For these reasons I do not intend to attack the pa, but to cross the Waitotara and see what can be done on the other side. I came into town on Thursday for the purpose of getting a look at the mouth of the Waitotara from the sea. We started early yesterday morning in the "Sandfly;" but when we got outside the bar it blew so hard from the west, and there was so much sea, that it would not have been possible to get near enough in shore to see the coast well, and we turned back. To-day it is blowing a gale. I hope that vessels can get into the Waitotara, and that we shall be able to establish a dépôt on it, as it would be impossible to supply a force north of the Waitotara by land. From the Waitotara I propose, if the settlement is not attacked, to advance towards the Patea, and if I should succeed in forming a post on that river, I shall have but a small force left for anything else; but I suppose that as long as 100 men can be collected together we shall be required to carry on this miserable war for the profit and gratification of the Colony.

Since I have been in this part of the world I have made inquiries about the purchase of the Waitotara block, and have reason to believe that it was a more iniquitous job than that of the Waitara block. I am not surprised that the Natives have opposed our road making. The Government at home ought to be made acquainted with the true history of the business.

You will have heard of Colonel Warre's advance to the Stoney River, and the apprehension of the Natives suspected of murder. Colonel Warre talks (how easy it is to talk) of marching down the coast with a flying column of 500 men and meeting me at Patea; but for what object he does not explain. He calculates on meeting with no opposition, and his march would of course only be possible on that condition, for 200 men in a good pa would effectually bar his progress, and if attacked by such a body as that by which we were attacked on Wednesday he would inevitably come to grief.

The news is rather bad from the Upper Wanganui, where our friendly allies are expecting to be attacked by superior numbers. What is most to be apprehended is an irruption of rebels into our settlements on the south side of the Wanganui River. No advantage that we can possibly gain north of the Waitotara would compensate for the loss of life and property which would in that case be inevitably sustained by the settlers. Our proceedings are something like those of a man who, living in a glasshouse, is constantly throwing stones at the blackguards about him. All the well-to-do settlers are, I believe, aware of the folly of this cruise, and deprecate the war; but the shopkeepers and settlers, greedy of land, of course delight in its continuance.

I have, &c.

His Excellency Sir George Grey, K.C.B.

(Signed) D. A. CAMERON,
Lieut.-General.

Enclosure No. 2 in No. 11.

EXTRACT from the "Morning Star," May 13, 1865.

"We published yesterday a remarkable letter from a distinguished officer who is serving with the army in New Zealand. We are in a position to vouch for the genuineness of the communication, and the high character of the writer."

The War in New Zealand.

The following is an extract of a letter from an officer serving in New Zealand:—

"Head Quarters, February 4, 1865.

"Here we are in the field again! Every one is heartily sick of it, from the General downwards. How long are the people at home going to allow this to go on?"

"If they depend on the Governor they are placing confidence in a broken reed indeed, for it is apparent to every one here that he is seeking popularity among the Colonists by retaining the troops, and will not allow a single man to go out of the Island unless he is ordered unconditionally and unreservedly to do so. So long as he has ten regiments at his entire disposal he is a great man; but directly he allows them to go he is shorn of all his splendour and greatness, and sinks down to the comparatively insignificant level of a constitutional Governor, with all power lodged in the hands of his Responsible Ministers.

"And he knows this too, and feels it. There was no earthly reason why three or four regiments should not go home this and the next month. The Waikato frontier was securely established; the military settlers placed on their lands. The Natives, at a large meeting they held, almost

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unanimously declared for peace, and agreed not (to?) meddle with us unless we did with them. The Tauranka (?) Natives, after a short and unsatisfactory trial of their new religion, had returned to their lands, and settled down quietly in the neighbourhood of the Europeans. At Taranaki the Natives, after taking and occupying all the positions of strength in the neighbourhood, were coming in every day and giving themselves up, many of them being among the list of murderers.

"Everything looked as peaceable and as promising as could well be imagined, when the Governor seeing, I suppose, that unless he kept the troops employed he would be unable to retain them in the Colony, suddenly directs the General to commence operations down here, working in the direction of Taranaki, the ostensible reason being to occupy a block of land we had purchased (?) from them (the Waitotara), and through which they declined to allow us to make a road.

"Now the real facts of this so-called purchase are these, and I suppose the English people will hardly credit it.

"Talk of the Waitara question! Why most people believe even now that that was a fair and legal purchase! But this they cannot defend on any one point, except the necessity of obtaining land for Europeans somehow.

"The superintendent of the province of Wellington, Dr. Featherstone, agreed to purchase this block some time ago from certain Natives, and paid them an instalment of 500*l*. When the time came for concluding the bargain and paying the balance due to them, the Natives wanted one particular piece (where their fighting pa now is) to be reserved for them. This Dr. Featherstone would not agree to, whereupon the owners tendered back the 500*l*, and said they would not sell at all. This Dr. Featherstone refused to take, and got some other Natives who had not the smallest title to the land to take the balance and sign a paper in receipt thereof, saying they had sold us the whole block. The lawful owners, naturally enough, resented this, and that is what we are here for, to eject the lawful owners from land they did not wish to sell! And for this England is spilling her best blood! The General formally protested before he left Auckland, but without success, against this most iniquitous proceeding. The only man here (of position, I mean,) who sincerely and conscientiously has Imperial interests at heart is the General.

"The Governor lives in his island of Kawan, a great man, with 10 British regiments at his disposal, leaving everything to his Ministers, and never giving a single instruction to the General, unless proceeding in the first instance from his Responsible Advisers.

"And there is no lack of instructions from them, as you may imagine, and so long as matters remain in their present state you may depend on it the war will be kept going on one pretext or another. As for their paying 40*l*. per annum for every man of the army here that is absurd, and they know it too, and ridicule the idea accordingly. They are heavily in debt, and have not the means of paying their own small expenses, much less paying for all of us. They will not pay a single sixpence, and have not smallest idea of doing it."

Encl. 3 in
No. 11.

Enclosure 3 in No. 11.

EXTRACT from an Auckland Newspaper of the 14th August 1865.

"THE night before the General left Auckland, when he forwarded to us the letter we published on the 1st instant, denying that any orders of his had precluded the officer commanding the Whanganui district from assisting the Governor, the gentleman, one of the General's staff, who brought us the letter told us that Sir Duncan would, had he had the time to have done so, have refuted other insinuations thrown out against him by his Excellency, amongst them the charge that he had so long neglected to take the Wereroa Pa, the cause of his doing so being the express orders of his Excellency."

No. 12.

No. 12.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 161.)

Government House, Wellington, December 14, 1865.

(Received February 13, 1866.)

SIR,

(Answered No. 27, February 26, 1866, page 114.)

IN my Despatch, No. 158,* of the 12th instant, I enclosed you the copy of a letter which had been published in the English newspapers, and which it was stated, and clearly truly, had been written by a distinguished officer from General Caneron's head quarters upon the 4th of February last.

I am anxious to contradict some of the untruths contained in that letter, which coming from so high an authority may, I fear, unjustly prejudice many persons against me.

It is stated that—

"The Governor lives in his Island of Kawan, a great man, with 10 British regiments at his disposal, leaving everything to his Ministers, and never giving a single instruction to the General, unless proceeding in the first instance from his Responsible Advisers!"

In the year 1864 I passed either 35 or 37 days in the Island of Kawan. The escape of the prisoners from that place compelled me to be there for part of that time.

* Page 22.

In the year 1865 I have passed 21 days at Kawan. The only rest I have had.

The instances in which my Ministers will give me any advice as to the instructions I should give to the General are very few.

The statement that the troops were sent to the country between Taranaki and Whanganui "to eject the lawful owners from the land they did not wish to sell," and that "for this England is spilling her best blood," accords with similar statements made by General Cameron on the same subject to the Secretary of State for War. These statements are, however, not only wholly contrary to fact, but are made with the evident object of injuring the Government of this country, its inhabitants, and myself with Her Majesty's Government and the British public.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 13.

No. 13.

COPY of a DESPATCH from Governor SIR GEORGE GREY, K.C.B., to the Right
Hon. EDWARD CARDWELL, M.P.

(No. 162.)

Government House, Wellington, December 14, 1865.

(Received February 13, 1866.)

(Answered No. 27, February 26, 1866, page 114.)

SIR,

IN your Despatch, No. 78,* of the 25th September last, which I had the honour to receive upon the 8th instant, the following passage occurs, the intention of which clearly is to cast a censure upon me, which I am supposed to have deservedly merited:—

* Vide Papers
presented Feb.
1866, p. 237.

"If as soon as you knew that in the opinion of the officer commanding the troops your measures respecting the confiscation of land would render the early withdrawal of any portion of the troops impossible, you had acted upon this instruction, your opinions might have been sent home several months ago with those of General Cameron, and with your report upon his observations, &c."

* * * * *

2. This censure follows so evidently as a corollary from Sir D. Cameron's Despatch to Lord de Grey of the 7th of January last (Par. Papers, 6th April 1865), that that Despatch must, directly or indirectly, have influenced the opinions in which originated the censure pronounced upon me.

3. In that Despatch General Cameron states as follows:—

"I herewith forward for your Lordship's information a copy of a proclamation issued on the 17th ultimo by his Excellency the Governor, by the advice of his Colonial Ministers, in which it is announced to the Natives that the whole of the territory from which they have been expelled in the Waikato is confiscated, and that such land as the Governor may think fit to confiscate in the districts of Taranaki and Whanganui will be taken from them.

"These measures will, in my opinion, render the early withdrawal of any of the troops from this Colony impossible, as the extensive districts which have been confiscated, and which it is proposed to confiscate, cannot be occupied and defended by a smaller force than that which is now stationed in the Colony, until either peace is made with the Natives, or a population can be introduced into those districts capable of taking part in their defence. I have considered it my duty to communicate this opinion to Sir George Grey."

4. In order that you may understand the matter, I beg to make the following statement:—

Upon the 16th of December General Cameron traced, for my Responsible Advisers, lines upon a map showing all the territory in the northern part of the Northern Island of New Zealand which he thought might fairly be considered as conquered territory. Upon this map he wrote—

"I consider that all the rebel land included within the blue line, and to the north of it, may fairly be considered as conquered territory; except that I think the southern boundary might be more correctly represented by a straight line from Pukekura to Orakau, and from thence to the nearest point on the Punu River.

(Signed) D. A. CAMERON,
Lieut.-General."

"Auckland, 16th Dec. 1864.

5. It would have been very difficult for me, after the General in command of the forces had thus authoritatively given his opinion to my Responsible Advisers as to what

Map showing
conquered ter-
ritory, with
Gen. Cameron's
Memorandum
dated Dec. 16,
1864.

NEW
ZEALAND.

might fairly be regarded as conquered territory, to have refrained from adopting it. I think that looking to the state of public opinion in this country at the time, and my whole position here at the moment, that General Cameron may fairly be said by this act on his part to have rendered the issue of my proclamation of the 17th December a necessity, from which I could not well escape.

6. How then General Cameron's measures (at least quite as much as mine) of what is called confiscation could have been made a matter of complaint to the Secretary of State in the General's Despatch of the 7th January I cannot understand, nor why, after what had taken place, I should have been left in ignorance that such a Despatch had been written.

Enclosure 2.

7. You will observe that General Cameron, in his endorsement on the map dated the 16th of December, named two boundaries of the territory which he regarded as conquered, one of which contained much more land than the other. You will also observe that in my proclamation of the 17th of December I named that one of the two boundaries which contained the least land; that furthermore the lands of all Natives who had adhered to the Queen were assured to them, and that even those Natives who had been in rebellion were assured that portions of their lands would be returned to themselves and their families.

Enclosure 3.

8. General Cameron's semi-official letter to me of the 5th of January, of which he sent a copy to Earl de Grey on the 7th, I regarded as having been petulantly written; with my knowledge of what had taken place here this cannot be wondered at. I thought that my letter to him of the 7th of January, sent home at the same time to Earl de Grey, which informed General Cameron that the Colonial Ministers would raise a colonial force, and would as soon as the state of the country admitted dispense with the services of the troops, and undertake their own own defence, had quite answered the questions he had raised in that semi-official letter. Certainly this arrangement on the part of the Colonial Ministers quite satisfied my own mind.

9. I trust this explanation will satisfy you that the measures of confiscation you have alluded to were General Cameron's at least as much as mine, and that I could have had no idea that such a difference of opinion existed between us on this subject as it was necessary for me to bring under your review.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. 1 in
No. 13.

MAP.

Enclosure 1 in No. 13.

Map.

Encl. 2 in
No. 13.

Enclosure 2 in No. 13.

A PROCLAMATION by his Excellency SIR GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS the Governor did on the 25th day of October last issue a proclamation, offering to grant a pardon to all persons engaged in the present rebellion who should comply with certain conditions therein specified before the 10th day of December instant, which time has expired:

And whereas it is now expedient that the mind of the Governor should be fully declared, so that all persons may know his intentions:

It is therefore declared and made known that the Governor will retain and hold as land of the Crown all the land in the Waikato taken by the Queen's forces, and from which the Rebel Natives have been driven, within the following lines; that is to say,

Commencing at Pokorokoro in the Gulf of the Thames, thence proceeding southward in a straight line to the Hapua Kahi pass, thence in a straight line to the summit of Pukemoremore, thence in a straight line to the summit of Maunga Kawa, thence in a straight line to Pukekura, thence in a straight line to Orakau, thence in a straight line to the nearest point of the Puniu River, thence following the Puniu River to its junction with the Waipa River, thence in a straight line to the summit of Pirongia, thence in a straight line to the nearest point of the Waitetuna River, thence by the Waitetuna River to Waingarua Harbour, thence by that harbour to the sea, thence by the sea coast to the Waikato Heads, thence by the Waikato River to the Mangatawhiri River, thence by the Mangatawhiri River to the Great South Road, thence northward by the Great South Road to the Razor Back Redoubt, thence by the boundary of the Rama Rama and Hunua purchases to the Wairoa River, thence by the Wairoa River to the north-eastern boundary of the land of the Kowhairiki tribe, thence to the summit of the Whare Kawa Mountain, thence following the ridge of Whare Kawa to the Surrey Redoubt, thence in a straight line to the point of commencement.

And all lands northward of the above boundaries belonging to Rebel Natives or tribes up to and as far as the waters of the Manukau and the Waitemata.

Map showing the
CONQUERED TERRITORY
in the Northern part of the
NORTH ISLAND
(NEW ZEALAND)

Friendly Natives
Government Lands
Crown Grants
Series of Fights X

(Signed) Geo. S. Murphy
15 Dec. 1864.

I consider that all the Rebel land included within
the blue line and to the North of it may fairly be
considered as conquered territory, except that I think
the Southern boundary might be more correctly
represented by a straight line from Pike-kura to Onakeau
and from thence to the nearest point on the Poutu River.

Auckland 16 Dec. 1864. (Signed) D. A. Cameron
Lt. Genl.



The land of those Natives who have adhered to the Queen shall be secured to them; and to those who have rebelled, but who shall at once submit to the Queen's authority, portions of the land taken will be given back for themselves and their families.

The Governor will make no further attack on those who remain quiet.

Those guilty of further violence the Governor will punish as he has punished the Waikato tribes.

The Governor will also take possession of and retain, in the country between Wanganui and New Plymouth, and in the province of Taranaki, such land belonging to the Rebels as he may think fit.

The Governor will cause roads to be made not only at Taranaki and in the Waikato, but throughout the Island, from time to time as he may think fit, as well through lands of Europeans as of Natives. These roads will be for the protection of the peaceable, the upholding of law, and for the benefit of both races. This is a rule of all nations.

To those, whether Europeans or Natives, who consent to the making of roads through their land there shall be paid fair compensation for the land so taken; and to those who will work in making the roads payment will be made in money. Those who obstruct with violence the making of roads will be forcibly repressed.

To all those who have remained and shall continue in peace and friendship the Governor assures the full benefit and enjoyment of their lands.

The rule with regard to arms will be this. The Governor does not insist upon all Natives giving up their arms, but arms shall not without permission be brought into settled districts, and arms will be taken from such as are unruly and turbulent. This also is the law of all nations.

The Governor excepts from pardon those who have in any way been engaged in the murders of women and children, or treacherous murders of unarmed men.

Given under my hand, and issued under the public seal of the Colony of New Zealand, at the Government House at Auckland, this 17th day of December, in the year of our Lord 1864.

G. GREY,
Governor.

By his Excellency's command,
FRED. WELD.
God save the Queen!

Enclosure 3 in No. 13.

DESPATCHES from Lieut.-General Sir D. A. CAMERON, K.C.B., to the SECRETARY OF STATE
for WAR.

No. 1.

COPY of a DESPATCH from Lieut.-General Sir D. CAMERON, K.C.B., to the Right Honourable the
SECRETARY OF STATE for WAR.

MY LORD,

Head Quarters, Auckland, January 7, 1865.

I HAVE the honour to forward, for your Lordship's information, copies of a correspondence which has taken place between his Excellency the Governor of New Zealand and myself relative to proposed military operations in the Whanganui district.

I have, &c.
(Signed) D. A. CAMERON,
Lieut.-General.

Enclosure 1 in No. 1.

MY DEAR SIR GEORGE,

Auckland, January 5, 1865.

NOT having yet heard how the question between you and the Ministers regarding the employment of troops at Taranaki and Whanganui has been settled, I hardly know what information to give the authorities at home; but if the instructions I have already received from you on the subject remain unaltered, I suppose I shall not be wrong in stating to Lord de Grey that there is no prospect of an early reduction of the force or of the military expenditure.

Indeed, if the extensive scheme of confiscation, road making, &c., contemplated by Ministers (in which I do not know whether you concur or not) is to be carried out, I think we ought to apply at once for reinforcements.

Very truly, &c.
(Signed) D. A. CAMERON.

Enclosure 5 in No. 1.

SIR,

Government House, Auckland, January 7, 1865.

IN reference to my letter to you of yesterday's date, in which I enclosed, for your information, the copy of a Memorandum which I had received from my Responsible Advisers, and to your letter of the same date in reply to mine, I have now the honour to inform you that my Responsible Advisers have cancelled and withdrawn the Memorandum which I then transmitted to you, and that no necessity exists for altering or departing from the instructions contained in my letter to you of the 16th December last, regarding the measures to be taken in the country between Whanganui and Taranaki.

The Colonial Ministers now propose to raise a Colonial force of 1,500 men, and as soon as the state of the country will admit of their doing so, to dispense with the services of the troops, and to undertake their own defence with the force thus raised.

As soon as I receive the details of this plan I will communicate with you upon the subject.

I have, &c.
(Signed) G. GREY.

The Hon. Sir D. A. Cameron, K.C.B.

NEW
ZEALAND.
—
No. 14.

No. 14.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 163.)

Government House, Wellington, December 15, 1865.

(Received February 13, 1866.)

(Answered No. 27, February 26, 1866, page 114.)

SIR,

I HAVE the honour to enclose for your information copies of a correspondence with Major-General Chute in reference to a letter addressed by Commissary-General Jones, C.B., to the Assistant Military Secretary, and I beg particularly to call attention to my letter of the 16th of October last as expressing my views in relation to the questions raised in this correspondence.

As I have waited until the present time for a reply to that letter, I presume that the correspondence has now been sent home to the Secretary of State for War.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Encl. in No. 14.

Enclosure to No. 14.

Major-General CHUTE to his Excellency the GOVERNOR.

SIR,

Wellington, October 10, 1865.

I HAVE the honour to submit, for your Excellency's consideration, the copy of a communication I have received from Commissary-General Jones, C.B.

As I find that Mr. Jones had, previous to my arrival in the Colony, forwarded a copy of this letter to the Lords Commissioners of Her Majesty's Treasury, I feel that your Excellency should be made acquainted with its contents.

I have, &c.

(Signed) T. CHUTE,
Major-General.

His Excellency Sir George Grey, K.C.B.

Commissary-General JONES, C.B., to the ASSISTANT MILITARY SECRETARY.

SIR,

Commissariat, New Zealand, Auckland, August 20, 1865.

HAVING become acquainted with the correspondence recently published by the Colonial Ministers as Parliamentary Papers by seeing them reprinted in the local newspapers of this place, it occurs to me that I should be wanting in my duty as Controller of Army Expenditure where I to omit placing upon record and submitting my opinion of the same, as far as regards expenditure (in connexion with existing circumstances) for the information of Major-General Chute, as soon as he assumes the command of Her Majesty's forces serving in this Colony.

Several despatches of Mr. Cardwell distinctly convey the repeated directions of Her Majesty's Government to the effect that the Imperial troops are not to be employed either in conquering new territory or in defending that already conquered, and leaves the General Officer commanding wide discretionary power in the employment of the troops.

The local portion of this correspondence shows that the employment of Her Majesty's troops in the Wanganui campaign was forced upon Lieut.-General Cameron, K.C.B., in opposition to his remonstrances and better judgment, and further, he did not concur in the expediency of occupying the upper portions of the Wanganui River; but, within a very few days after his leaving the command, Her Majesty's troops are ordered to occupy a line of 80 miles along the banks of that river.

I presume it is scarcely necessary for me to remark that these operations are enormously costly, but the Major-General should, I think, be informed that the whole of that cost has hitherto fallen mainly upon Imperial funds; that the Wanganui and Taranaki Militia are now paid out of funds advanced from the Imperial Treasury, and rations of provisions, forage, fuel, and light are issued by the Commissariat out of army funds for the Colonial Militia and Military Settlers in Auckland, Taranaki, Wanganui, Napier, and Tauranga.

Nearly the whole cost of the war is thus borne in the first instance by the Home Government, but under existing arrangements these advances to Militia and Military Settlers are added to the debt due by the Colony to the Imperial Treasury, thus incurring new liabilities to the extent of about 16,000*l.* per month.

By communications from the Lords Commissioners of Her Majesty's Treasury, dated 8th October 1864, and from the War Office, dated 26th November 1864, it is specially ordered that no addition to the liabilities of the Colonial to Her Majesty's Government is to be permitted.

The debt as rendered by me on 28th July 1865, amounted to 741,464*l.* 14*s.* 7*d.*, against which the Colonial Government appears to have remitted to their Lordships of Her Majesty's Treasury debentures to the nominal amount of 500,000*l.*, and I understand propose further similar remittances to meet the remaining sums due and the liabilities which are month by month accruing, but so far as I am aware this point is not finally settled.

Having thus concisely alluded to the existing relations between the Imperial and Colonial Governments, so far as relates to this department, I would, with all deference, submit that after a full and careful consideration of Mr. Cardwell's despatches and the local circumstances alluded to, I can only arrive at the conclusion that the position which the Home Government will assume is, that the Colony must bear all the extraordinary expenses attending aggressive operations and the employment of Her Majesty's troops in any other way than in the defence of positions settled and occupied by troops previous to the arrival of Mr. Cardwell's first despatch to that effect. In addition to which, the capitulation contribution of 40*l.* per man yearly will, I presume, be exacted.

In order that no misunderstanding may hereafter exist regarding the term "extraordinary expenditure," I would explain that I refer to all expenses connected with the army beyond that which would have occurred had the troops remained in quarters.

As an example, the extraordinary expenditure in the Wanganui campaign may be comprised under the following four heads:—

- 1st. The entire cost of all sea transport, in moving troops, horses, baggage, supplies, and stores of all kinds from Auckland to Wanganui, and from Wanganui to the several posts on the coast northwards towards Taranaki.
- 2nd. All engineer expenditure upon field works, the erection of huts, stables, offices, storehouses, quarters, &c. &c.
- 3rd. The hire of all land as camping or grazing ground, for building purposes, as yards or paddocks, and all wharves, and all sums paid as compensation for damages, &c., done to any property in the district by Her Majesty's troops.
- 4th. The value of all stores lost in transit or otherwise, the whole cost of all additional establishments in the Commissariat, including all hired land transport and compensation to owners of animals lost; the purchase or hire, and all other expenses of river steamers, boats, coal hulks, &c., as well as the entire cost of that portion of the Commissariat Transport Corps serving in that district, as it may be taken for granted, had this campaign not taken place, the whole cost of that portion of the corps might have been saved to the Home Government by the discharge of an equal portion of the corps.

Referring to the Colonial troops, I would strongly recommend that advances, both of money and supplies, be continued only upon the fact that debentures are remitted as above stated periodically in sufficient amount to cover these advances. In addition to the 500,000*l.* already sent, 200,000*l.* should now be remitted, if the Colony desires the continuance of this assistance.

As it may be further inferred that many of the posts in conquered territory will shortly be abandoned by Her Majesty's troops, and occupied by those of the Colony, I beg to urgently press upon the Major-General that this department should not be called upon to supply any Colonial troops so posted; and in no case should the assistance of the department be required in supplying Colonial troops, except where they are actually stationed with and under the orders of officers of the Imperial army. Should these principles not be conceded, I see no prospect of reducing the Commissariat establishment when Her Majesty's troops leave the Colony, and I know that the Secretary of State for War anxiously contemplates a large reduction in the department now under my orders.

I have ventured to enter into the above questions, even at the risk of being considered as going beyond my legitimate province, in the full conviction that in doing so I am acting for the best interests of Her Majesty's service generally; and if the Major-General commanding concurs in the views I have above expressed, I would recommend that they should be submitted for the consideration of the Home Government, soliciting at the same time full instructions; and in order that the Colonial Government may not be taken at a disadvantage, that the several points which he deems worthy of consideration be sent to his Excellency the Governor, in order that the Colony may at the same time have an opportunity of communicating to the Home Government their views regarding the same.

I would also beg to inform the Major-General that I am sending by the first mail a copy of this communication for the information of the Lords Commissioners of Her Majesty's Treasury.

I should have drawn the attention of the Major-General to the circumstance, that were the troops concentrated in the positions occupied by them before the present war, that the whole cost of the existing expensive Transport Service would be avoided, and the Commissariat Transport Corps disbanded, a saving of about 15,000*l.* per month would thus have been effected.

I have, &c.

The Assistant Military Secretary,

(Signed) H. STANLEY JONES,
Commissary-General.

MEMORANDUM from MINISTERS to his Excellency the GOVERNOR.

Wellington, October 10, 1865.

A PERUSAL of the letters from the Major-General Commanding to the Governor, with their enclosures, which have this day been submitted to Ministers by his Excellency, confirms them in the opinion which Ministers have repeatedly expressed to his Excellency, that the removal of Her Majesty's Imperial troops is absolutely necessary, in order that the Governor may exercise that full and undivided authority over the whole of the military power employed within the Colony which is essential to its safety.

(Signed) FRED. A. WELD.

His Excellency the GOVERNOR to Major-General CHUTE.

SIR,

Government House, Wellington, October 11, 1865.

I BEG to thank you for your letter of the 10th instant, forwarding me a copy of a letter which Commissary-General Jones, C.B., wrote to the Assistant Military Secretary upon the 20th of August last, informing him that he was sending a copy of it by the first mail for the information of the Lords Commissioners of Her Majesty's Treasury.

I am much obliged to you for transmitting to me a copy of this letter. It was clearly just to the Colonial Government that it should have an opportunity of replying to the statements which it contains.

But I do not understand by what rule of the public service the Assistant Military Secretary was justified in retaining this letter in his possession until your arrival in the Colony. The Governor and Commander-in-Chief were here, and so was the Officer in command of Her Majesty's Forces in New Zealand. If the allegations contained in the letter were correct and the inferences drawn from these were just, not a moment should have been lost in communicating this letter to the officer commanding the forces here, that he might have communicated with the Governor, so that immediate steps might have been taken to remedy the matters complained of. The interests of the public service required this, and I consider that some explanation of this matter is necessary.

I beg to call your attention to the statement made in Commissary-General Jones's letter, that the General Officer commanding here has a wide discretionary power in the employment of the troops. Such opinions at a crisis like the present being promulgated by an officer in the position of the Commissary-General at the head of a most important department, and other opinions expressed in his letter, cannot but have a very bad moral effect, and tend to the disorganization of the forces and the detriment of the service.

I would again remark in reference to the heads of extraordinary expenses which it is the opinion of Commissary-General Jones must be paid by the Colony, that, with a view to my exercising some control over the military expenditure, the Commissary-General was directed by the Home Government to submit the estimates for such expenditure to me for any remarks that I might have to make, and that for two years he has failed to do so; that I am of opinion that the expenditure incurred by the military authorities was in many respects wasteful and unnecessary. I therefore think it unreasonable that I should in the first place be prevented from exercising that control over this expenditure which, by direction of Her Majesty's Government, I was authorized to exercise over it; and then that the Colony should be called on to pay for an expenditure which its Government neither desired nor approved of, and which I believe was in many respects extravagant and unnecessary.

Whether Commissary-General Jones had or had not been instructed to submit his estimates to me, I think if he intended to expend such vast sums of Colonial money, it would have been his duty to have given the Colonial Government some control in the matter. I can only say that if he had the power of spending the Colonial money as he pleased on the various items of extraordinary expenditure he has named, and of making the Colony answerable for every act of extravagance, carelessness, or worse, of every individual in his large department, then the Colony has been placed in a most unusual position.

The Hon. Major-General Chute.

I have, &c.
(Signed) G. GREY.

Major-General CHUTE to his Excellency the GOVERNOR.

SIR,

Head Quarters, Wellington, October 13, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 11th instant, in reply to mine of the 10th instant, with enclosures from Commissary-General Jones, C.B.

I regret that your Excellency should have thought it necessary to animadvert so strongly on the conduct of my Assistant Military Secretary, in reference to the communication addressed to him by the Commissary-General for my information on arrival; but when I inform you that Major Pitt did not receive this letter until the 8th September—after the departure of the supplementary English mail—and at a time when my arrival was daily expected in Auckland, I trust your Excellency will agree with me that this officer has not only acted strictly in conformity with his duty in the matter, but that he would have erred had he on his own responsibility taken any other course. Should your Excellency, however, still consider any further explanation of this matter necessary, I will assemble a court of inquiry to report on the subject.

In forwarding the enclosed copy of an explanation from the Commissary-General, I have to acquaint your Excellency that previous to transmitting his letter of 20th August, I reproved this officer for the impropriety of some of the expressions contained in it, and I only regret that the fact of its having been already sent home to the Lords Commissioners of Her Majesty's Treasury rendered it necessary to submit it to your Excellency without any alteration in its form.

His Excellency Sir George Grey, K.C.B.

I have, &c.
(Signed) T. CHUTE,
Major-General.

Commissary-General JONES to the ASSISTANT MILITARY SECRETARY.

NEW
ZEALAND.

SIR,

Commissariat, New Zealand, Wellington, October 12, 1865.

I HAVE the honour to acknowledge the receipt of your letter of this date, giving cover to the copy of one from his Excellency the Governor, on the subject of my communication to you, dated the 20th August last.

It is with deep concern that I find that his Excellency considers my letter deserving of such grave censure.

I can only state that in writing it I was actuated by an anxious desire to conduct my duties for the best interests of Her Majesty's Government.

The duties devolving upon me in my position as Controller of Army Expenditure, an arduous and anxious, heavy responsibility rests upon my acts, and it behoves me in every possible way to carry out the views of Her Majesty's Government to the best of my ability and judgment. My letter was dictated under a sense of this responsible duty, and when it is considered that that letter was addressed for the information of Major-General Chute, suggesting, "should he coincide in my views, that the several points which he deems worthy of consideration be sent to his Excellency the Governor," I think that some consideration should be extended to me, and allowances made if I have in any way exceeded my duty.

I would further state that my object in writing that letter was to convey to Major-General Chute personally and immediately on his arrival in the command some idea of the financial duties with which he would have to deal, and although dated 20th of August (as the Major-General had not arrived), that that letter was not sent from my office for some time afterwards.

I am doubtful whether his Excellency intends to impute "extravagant and unnecessary expenditure" to the military authorities for the manner in which military operations were conducted, or to me and my department for the way in which the details of that expenditure had been carried out; should the former be the case, the question is beyond my province; but if the latter, I think it would be advisable that the Major-General commanding should institute an inquiry upon the charges without delay. I should be personally most anxious to court the fullest investigation into such grave charges.

His Excellency appears to be under the impression that the usual annual Army Estimates include all items of "extraordinary expenditure," but that is not the case, they are all expressly excluded except the one item of the Commissariat Transport Corps, and in fact it would be utterly impossible to foresee when preparing those estimates the nature of war operations, even could it be known that war would exist, from six to eighteen months subsequently.

Had these estimates, therefore, for the past two years been submitted to his Excellency, they could not have afforded him an opportunity of exercising any control over extraordinary expenditure, except in the one item of Commissariat Transport Corps. I may state, that to the best of my belief not one farthing of the past extraordinary expenditure has ever been included in my accounts against the Colonial Government.

I can therefore only presume his Excellency refers to the future, when he states "I think if he (myself) intended to expend such vast sums of Colonial money it would have been his duty to have given the Colonial Government some control in the matter." I am at a loss to see how this could be effected, as each service is considered and specially sanctioned by the General Officer commanding before any extraordinary expenditure is made, unless indeed the Colonial Government, through his Excellency, would agree with the Major-General that all such expenditure should, under the General Officer's warrant, be paid in the first instance direct from Colonial funds by Colonial officers; this arrangement would at once relieve me from serious anxiety and responsibility, and I believe be satisfactory to Her Majesty's Government.

It is with much pain that I see his Excellency considers that "extravagance, carelessness, or worse," existed to a large extent in the department of which Her Majesty's Government has honoured me by intrusting me with the charge. I can only state that every possible precaution has been adopted to prevent such acts, but in war time circumstances will arise which cannot wholly prevent them. If his Excellency refers to the Waikato campaign, I quite admit that large losses occurred, but I maintain that they were unavoidable; and I believe were his Excellency aware of the actual per-centage of loss upon the quantities conveyed up that river, as ascertained upon the closing of the accounts for that campaign, he would have hesitated before placing upon record the opinion he has now expressed.

Should his Excellency refer to the more recent Wanganui operations, I regret that I am unable to speak so confidently, as the accounts are not yet closed; but I have no doubt whatever that the per-centage of losses upon whole quantities will hereafter be found smaller than on the Waikato.

The nature of the country and the larger proportion of steam transport employed, coupled with the more experienced and larger establishment available, should ensure such a result, and I am decidedly of opinion that these services have been more economically and faithfully performed than they could have possibly been in any other way whatever.

Should it hereafter appear that my anticipations regarding the intention of Her Majesty's Government prove correct, and the extraordinary expenditure be ordered to be included in the charges against the Colony, it will, I presume, rest with his Excellency to decide whether that expenditure be conducted by the Colony, or as hitherto by this department.

I can only say that, if desired, I and my department will be willing, as hitherto, to render every assistance possible to further the interests of the Government, and, in conclusion, would state that I and my officers have for years past willingly and faithfully worked on behalf of the Colony in supplying their troops with rations and money, and in laboriously accounting for the same in the smallest detail, without either seeking or desiring any Colonial remuneration whatever; and I would again

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repeat my deep concern that his Excellency should consider it necessary to have made such serious accusations against me and my department.

It will of course be my duty to forward a copy of this communication to the Lords Commissioners of Her Majesty's Treasury.

The Military Secretary, Wellington.

I have, &c.
(Signed) H. STANLEY JONES,
Commissary-General.

His Excellency the GOVERNOR to Major-General CHUTE.

SIR,

Government House, Wellington, October 16, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, upon the subject of a letter which Commissary-General Jones addressed to the Lords Commissioners of the Treasury on the 20th of August last, a copy of which was not communicated to me until the 10th instant, and I am much obliged to you for the trouble you have taken in this matter.

The question of who is to blame for the non-transmission to me of a copy of that letter at an earlier date is one with the adjustment of which I am not concerned, and I shall be quite satisfied with your decision regarding it.

The object of Commissary-General Jones' letter of the 20th of August was to complain that I was employing the Queen's forces in a manner which was in violation of the instructions issued to me by Her Majesty's Government. That a wide discretionary power was left to the General Officer commanding in regard to the employment of these forces. That, notwithstanding this, I had forced General Cameron into certain operations, in opposition to his remonstrances, and against his better judgment. That these operations had been enormously costly, and that consequently large claims, past and prospective, ought to be made against the Colony upon account of military expenditure already incurred or about to be incurred.

I think I ought to have had instant notice that such a statement was about to be forwarded to Her Majesty's Government, and that the representations of the Colonial Government on these subjects should have been laid before the Home Government at the same time as Commissary-General Jones's letter, that a fair judgment might have been arrived at on the subject.

If it was intended to subject the Colonial Government to such large financial liabilities, they should also, in justice, have been at once warned of this, that they might have made the requisite preparations to have met them, or, if they had thought proper, at once have brought to a close an expenditure which they could not have met.

There were additional reasons why a copy of Commissary-General Jones's letter should have been immediately communicated to me. I believe an inquiry would have shown that every one of his most important allegations was contrary to fact.

Nothing has tended more to injure the interests of this Colony, and of the Empire, than the communications which have been made to the Home Government, regarding the management of affairs here, without having, at the same time, been communicated to me. Hence, unnecessary orders have been issued in a manner which must create bitterness of feeling in the Colony. Hence, also, has originated a bitterness of feeling in the minds of a portion of the public of Great Britain against the Colony and the Colonists, which has most seriously injured its interests and jeopardized its future.

I am not, as Commissary-General Jones thinks, under the impression that the annual army estimates include all items of extraordinary expenditure; but I am under the impression that an individual's extraordinary expenditure depends a good deal upon the size of his house, and the extent of his establishment, and that if I can regulate these latter items, I can in a great degree indirectly regulate the former ones; and I think no valid excuse has been offered for withholding from me that control over the expenditure which I had a right to exercise over it.

My belief is that Her Majesty's Government determine whether or not a campaign is necessary, and that my views and conduct in advising and originating it are questions that they decide; and that the duties of Controller of Army Expenditure are not to make incorrect reports to Her Majesty's Government on these points, but carefully to watch and control the military expenditure which is being carried on upon such objects.

I regret that I must adhere to the opinion I have expressed—that the military expenditure in this Colony has been in many respects wasteful and unnecessary, and that had I been allowed to exercise that control over it which by right belonged to me, I could have saved very large sums to Great Britain and the Colony. I feel it my duty to state this, because no circumstance has more tended to damage the Colony of New Zealand and myself with the Government and public of Great Britain than this expenditure to which I so much object, and which has brought such evils on this Government and Colony.

Commissary-General Jones is wrong in stating that I said that I considered that extravagance, carelessness, or worse existed in the Commissariat Department. I have always regarded the officers of that department as a body as being in their own branch amongst the ablest of Her Majesty's servants. Commissary-General Jones proposed to the Home Government that the Colony should be made to pay "the value of all stores lost in transit or otherwise." On this I remarked, what is undoubtedly the case, that this would be to "make the Colony answerable for every act of extravagance, carelessness, or worse of every individual in his large department," over which it exercised no control whatever.

I wish to observe for your information that Commissary-General Jones informs Her Majesty's Government that within a few days after General Cameron's leaving the command, Her Majesty's

troops were ordered to occupy a line of 80 miles along the banks of the Wanganui River. What took place was this—Her Majesty's Colonial forces held certain posts on the Wanganui River: the murder of Mr. Fulloon and other circumstances rendered it necessary that an expeditionary force should be sent to the East coast. To save Her Majesty's Government from the cost of another campaign of the regular forces that campaign was, by my orders, entered upon by Her Majesty's Colonial forces, the Colony paying the whole cost of it. I could only use Her Majesty's Colonial forces on this service, and save Great Britain the cost of a new campaign, by taking up with the regular forces posts we could not abandon.

The Hon. Major-General J. Chute.

I have, &c.
(Signed) G. GREY.

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No. 15.

No. 15.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 164.)

Government House, Wellington, December 16, 1865.

(Received March 16, 1866.)

(Answered No. 38, March 26, 1866, p. 119.)

SIR,

A DIFFERENCE of opinion having taken place between the Officer commanding Her Majesty's forces and myself regarding the occupation of Pipiriki, I have the honour, in obedience to your instructions, to enclose for your information a copy of the correspondence in relation to the subject.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Major-Gen.
Chute to Sir G.
Grey, Dec. 7,
1865.
Sir G. Grey to
Major-Gen.
Chute, Dec. 16,
1865.

Enclosure in No. 15.

Encl. in No. 15.

SIR,

Head Quarters, Auckland, December 7, 1865.

I HAVE the honour to report for your Excellency's information that on the 25th ultimo I proceeded up the Whanganui River, and visited the various posts on that line as far as Pipiriki.

It is not, of course, for me to question the reasons your Excellency may have for ordering the occupation of the distant post of Pipiriki, 70 miles up the river, by Her Majesty's troops; but I should fail in my duty if, after my recent visit to that post, I did not point out the extreme difficulty and risk of keeping open the communications with it.

The Whanganui River is enclosed generally throughout its course by steep banks, in many places precipitous, and covered with dense bush. Its navigation is rendered in several places difficult by rapids, which are ascended by canoes with considerable labour, especially when the river is falling, as at the present season, and as communication with Pipiriki can, at such a season, be effected only by canoes, the progress of which might be easily opposed by a few men posted at any of the many favourable points on the high wooded banks overhanging the stream, I am of opinion that practically our communications with Pipiriki are dependent on the sufferance of the enemy.

I believe, moreover, it would be most difficult, if not impossible, to induce Natives or Europeans to continue the canoe transport service if the canoes were once fired on.

In bringing this subject to your Excellency's consideration, I have not lost sight of the value of the presence of certain friendly Natives at points of the river, but I do not consider that this advantage by any means renders secure the communications with the distant post of Pipiriki, which at best must be frequently attended with difficulty, and always with risk and great expense.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Government House, Wellington, December 16, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 7th instant, in which you state in detail the nature of the country between Whanganui and Pipiriki, and the position of the post at the latter place, and the difficulty of communicating with it.

It is very good of you to give me your opinion on these points, upon which, however, my education from my youth up, and my local knowledge of the country and its people, qualifies me to form an opinion.

I was quite aware of the difficulty of seizing and holding Pipiriki; the objects to be gained rendered it necessary, in my opinion, that those difficulties should be encountered and overcome. The first of them was the greatest, that I assigned to Her Majesty's Colonial forces. They met this difficulty and overcame it, and, as you will see from the enclosed letter, when subsequently suddenly attacked, under circumstances which might have shaken the fortitude of brave men, gave the enemy such a beating that he is not likely again to make an attempt of the kind.

There are in this command so many able and energetic officers in Her Majesty's regular forces that I feel sure they will, if possible, surpass the Colonial forces in valour if Pipiriki is again attacked, and distinguish themselves as much as its former garrison did. I feel sure also they will, with the aid of the friendly Natives, keep open their communications.

When a European race, small in number at the particular point, is establishing its dominion over an

Wm. G. Mair,
R.M., to Civil
Commissioner,
Bay of Plenty,
Maketu, Sept.
2, 1865, with
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inferior race, it must risk much. It is in its superiority of daring, energy, and resources, and in its justice, that its right to and capacity for dominion exists. It is by the exercise of these qualities that our empire has been established and maintained. If we do not exercise them here this war will never be ended, and we shall never take our proper position in reference to the native race.

I cannot admit that our communications with Pipiriki are practically dependent on the sufferance of the enemy; they are, in my belief, dependent upon our prestige, our valour, and our enterprise. Whilst the enemy respect us for these we have an immense moral advantage, which compensates for many difficulties of country.

I think that the objects to be gained justified me in incurring the risks that have been run in seizing and holding Pipiriki and the other posts, the occupation of which has been in like manner objected to by some of the military authorities. I deliberately encountered these risks, and I adhere to the plans I then formed and directed to be carried out.

I beg, however, that you will accept my thanks for having taken the trouble again to draw my attention to the subject.

The Hon. Major-General Chute,
&c. &c. &c.
Head Quarters.

I have, &c.
(Signed) G. GREY.

SIR,

I HAVE the honour to enclose copy of a letter from Hohepa Tamamutu, Assessor of Taupo, to Te Pohihi, now in Maketu, and to inform you that I have written to Hohepa in reference to his letter, and informed him that he must request Te Heu Heu to state definitely in writing that he is desirous to make peace, and then I will be ready to proceed to Taupo to meet him if the Civil Commissioner approves of my doing so.

Te Pohihi has also written to the same effect.

The Local Commissioner,
Bay of Plenty.

I have, &c.
(Signed) WILLIAM G. MAIR,
Resident Magistrate of Taupo.

TO TE POHIHI.

Oruanui, August 24, 1865.

FRIEND, greeting. I have just now come down to Oruanui. This is the news I send you. Ngatituwharetori have fallen at Whanganni. The fight was at Pipiriki. The survivors have arrived here in Taupo, that is, Hare, Te Heu Heu, and others. The killed are Paurini, Karamu, Manihera, Te Tupuni, Mikaere, Te Wharekopani, Warena a Rangirere, Eruera Hiku, and others. Of Whanganui there were (seven) 7 killed, and the rest were saved by Hare and Te Heu Heu, who made peace the same day, and peace with the Pakeha was made forthwith. Some other tribes fell at Waitotara. Matina Kuta's party of Ngatipukiko* and a tribe from Kotoana fell at Waitotara. Te Matewha and Pakete were taken by the Pakeha. The Weraroa Pa was taken by the Pakehas.

Te Ua was taken to Taranaki, and 100 Maories were taken prisoners. The survivors have arrived here in Taupo. I was still at Tokoanni when they arrived.

This is Hare's word to me, that you should come here quickly, and send Mr. Mair here for good; (peace) is now open here in Taupo. There is to be a final meeting at Tonaanni (convened by) Hare and Te Heu Heu; for this reason he wished you and Mr. Mair to hasten hither.

This is all the news; when you come you will hear fully.

From your affectionate son,
(Signed) HOHEPA TAMAMUTU,
Assessor.

True translation.
(Signed) THOS. H. SMITH.

No. 16.

No. 16.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 165.)

Government House, Wellington, December 30, 1865.

(Received March 16, 1866.)

(Answered No. 39, March 26, 1866, p. 119.)

SIR,

I HAVE the honour to transmit for your information a copy of a report which has been received by this Government of an interview which was held with the Pai-marire Natives of the Waikato district upon the 13th instant, at which you will see that they distinctly stated that they had no intention of harming or molesting the Europeans in that district, that they were totally unarmed, and that if Europeans came to their settlements they would not be molested.

2. These statements on their part, viewed in connexion with the letters from their chief, Wm. Thompson, which I transmitted in my Despatch, No. 154,† of the 5th instant, satisfy me that their present intentions are peaceable.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

* This was the party which Tiopira accompanied.—
T. H. S.

Mr. Searanck
to Mr. Mackay,
Ngarnawahia,
Dec. 13, 1865.

† Page 9.

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SIR,

Ngaruawahia, December 13, 1865.

I HAVE the honour to inform you, for your information, that a large number of Pai-marire Natives from the Piako, principally of the Ngatihana, Ngatiruru, and Ngatikoura tribes assembled yesterday at Hukanni, at the head of the Honokoran Creek, E.S.E. from Ngaruawahia, about 10 miles distant, to the number of 200 men, women, and children, and sent a messenger to Hohaia at Hopuhopu, to pay them a visit there.

Hohaia at once informed me of it, and I instructed him to proceed there at once and ascertain their intentions, which, if of a friendly character, I desired him to invite the leading men of the party to Ngaruawahia, or that I would proceed there on the following day (this day).

Hohaia returned from his visit this morning, and reports to me as follows:—

“On my arriving near the place where the Hauhaus were encamped, they sent me word that I must not be frightened, but must be received with honours, dancing round me and my little party in a circle. This I declined, saying if they persisted in this I should at once go back. I then proceeded on, and we all had a great crying over one another. The principal chiefs were Reihana, Iraia, and Henare; the first is of the Ngatihana tribe, and equal in rank to Hitemu Tamehana. All the speeches on their side, in answer to mine, were of one tendency, to express their regard and love to me, and to say good-bye to the lands of the Waikato. They then all stood up in a circle, men, women, and children, and went through their form of prayer, uttering a form of gibberish which I could not understand, one arm stretched upwards. In the evening we again assembled, and I made a long speech, explained the Governor's Peace Proclamation to them; asked them again what their intentions were, and invited them to come on with me to Hopuhopu, that we all were anxious for peace alike. To all this Reihana and Iraia answered that they had no intention of harming or disturbing the Europeans; that if Europeans came to their settlements they would not be molested; that they were totally unarmed; Eels and Tawharai being the cause of their coming there to that spot, that they were badly off for food, as the late flood had washed away nearly all their potatoes. They declined saying anything about peace or war, saying that with Wi Tamehana laid the decision; that whatever he said they would do; but generally they did not wish to have any more fighting.”

Hohaia further informed me that they all looked gaunt and hungry, very dirty and ill clothed, and completely worn out with their fanaticism, which is continued at short intervals both day and night; that they told him they had frequently seen the survey parties up the Mongarohara Creek, but had not disturbed them in any way in their work.

On the whole it appears to me that their wish is to re-establish friendly communications with the Natives in this district, with what ulterior object remains to be seen.

They broke up the party this morning to return to the Piako at the same time that Hohaia started on his return here.

I have, &c.
(Signed) WILL. N. SEARANCE, R.M.,
Central Waikato.

James Mackay, Esq.,
Civil Commissioner, Auckland.

No. 17.

No. 17.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 166.)

Government House, Wellington, December 30, 1865.

(Received March 16, 1866.)

(Answered, No. 39, March 26, 1866, p. 119.)

SIR,

I HAVE the honour to transmit for your information a copy of a report from Mr. Commissioner Mackay dated the 12th instant, which contains an account of a meeting on the 7th instant between Wiremu Patene, a friendly native chief, and Rewi, with other Ngatimaniapoto chiefs, at Kawhia.

2. The conclusion at which Wiremu Patene arrived was that Rewi wishes for peace. Mr. Mackay inclines to the same view of the subject, which other circumstances lead me to believe is the correct one.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c. I have, &c.
(Signed) G. GREY.

Enclosure in No. 17.

Encl. in No. 17.

SIR,

Raglan, December 12, 1865.

REFERRING to my letters of the 30th of November last and 4th December inst., respecting the state of native affairs in this district, I have the honour to inform you that the report contained in my letter of the 30th November, as to the position of Queen's and King's people, is substantially correct. The statement respecting a contemplated attack on some of the outposts, conveyed in my communication of the 4th of December, does not appear reliable. Meetings of both loyal and rebel Natives have been held at Raglan, Aotea, and Kawhia. From these it seems that the ground of dispute between the two parties is that the Kingites have advanced claims to the whole of the lands to the southward of Raglan, and extending to Kawhia. The arguments used by the rebel party is that the loyal Natives ought to remove on to confiscated land, that being the Governor's block. Some of the

rebels at Aotea were inclined to be insolent on this subject, but I hope that the steps which I have taken will prevent any further misunderstanding between them. I have laid down the following rules, which have been agreed to by both sides:—

1. The loyal Natives are to remain quiet unless attacked by the rebels. The Governor having proclaimed peace, it is not right for the Queen's people to be the aggressors.

2. The Natives on the north side of Kawhia, under Hone Te One and Wiremu Kikairo, are to join with the loyal Natives residing on the south side of Aotea and form a settlement at Kaipapaka, on the range dividing the waters of Kawhia from those of Aotea. The Natives on the north side of Aotea are to form a settlement at Motakotako.* These places are good sites for fortifications, but are not to be entrenched at present, for fear of creating a bad feeling on the part of the rebels. (It appears necessary to adopt this course of massing the loyal Natives, as Hone Te One, through a spy who resides among the rebels, has heard that a scheme of attack was laid by the Waikato and Ngatimaniapoto. These tribes are to assemble at three places on the north side of Kawhia Harbour. One party is to cross at the mouth of that harbour and proceed to Aotea by the beach route. Te Manihiera, a disaffected man residing on the north side, is to have a number of canoes in readiness. The enemy have arranged that the signal for crossing to them is to be the flashing of some powder in the pan of a flint musket. On reaching the north side of Aotea they march to the neighbourhood of Matokotako, so as to cut off any communication with Raglan. The other two parties are then to cross Kawhia Harbour and attack the loyal Natives there and at Aotea. It of course does not follow that this plot is now to be carried out, but it seems necessary to take precautionary measures in case of its being attempted.)

3. The Kingites now residing at the north side of Kawhia, Aotea, and Raglan will not be interfered with so long as they remain quiet.

4. Rebels desiring to visit their friends at Kawhia and Aotea may do so, provided they do not bring arms with them or practise Pai Marire ceremonies. No persons other than those now occupying land at Aotea and Kawhia to be allowed to settle there at present.

5. Loyal Natives not to be allowed to perform Pai Marire ceremonies; if they persist in doing so, they are to be requested to go to the south of Kawhia.

6. Loyal Natives to be supplied with arms and ammunition sufficient for their defence. The Natives residing to the north of Raglan Harbour are not included in this arrangement.

7. Rebel Natives not to be permitted to purchase goods or stores at Raglan.

As the above questions have for some time past been agitating the minds of both parties, and as they now profess their satisfaction with these arrangements, I do not anticipate that any difficulty will arise, unless brought on by the rebels residing on the south side of Kawhia. Having thus explained the steps taken with respect to the Natives residing between Kawhia and Raglan, which I hope will meet with your approval, I will now proceed to give a brief outline of some steps which have been taken respecting the Waikato and Ngatimaniapoto tribes residing on the south side of Kawhia.

On the 3rd of December I wrote a note to Rewi Matutaera, Te Poea, and the rebels to the south of Kawhai, inviting them to cross over to Hone Te One's place and see me, or if they objected to this, whether they wished me to go to see them. To this I received no reply.

On the 7th inst. I arranged with the loyal chief Wiremu Patene (Wm. Barton) that he should go to Rewi's people. He started on that day and returned to me on the evening of the 8th. He gave the following account of his proceedings:—

"I crossed over on the 7th December to Rewi Mananiapoto's side. On arriving at Ahuahu I wrote a letter to Rewi to this effect:—'Friend Rewi, are you willing that I should go to your place to see you, that you may also see me.' In the evening he sent a messenger inviting me to go to see him. The next morning I went to his place. After the usual crying, &c., Rewi stood up and said, 'Come, come, my friend. This is misfortune. I considered when I did this work (fighting) that it would come right, but now I have lost men and the land is wrong. It is not me alone, but this man and that man. It is not me alone, but all the chiefs, the end is, as you see, misfortune (is disastrous).' That talk being completed, I arose and said, 'Rewi, why have you not answered Mr. Mackay's letter? Are you willing for him to come here?' (He did not consent.) I then said, 'Your word is true, you say you thought you would succeed, and you now find that both the men and land are lost. My word therefore to you is to desist, put an end to it. This fighting should be stopped; why persist in making war? I did not hide this from you formerly in the days of peace. I now say to you, leave off. The Governor has made peace, where is yours?'

"Rewi replied, 'Do not you and your Pakeha trouble me now? That is why I did not answer the letter of your Pakeha, Mr. Mackay. I considered that Mr. Mackay did not come purposely to me, but that he came on a visit to his own children of the Queen's side.† If he had intended coming to me he would have written from Auckland to let us know that he intended visiting us. When Mr. J. Graham came he wrote from Auckland to us and from other places, even to Ngaruawahia. If Mr. Mackay had done the same, it would have been plain. But even though your Pakeha has not come, you are Mr. Mackay, you are the Governor. The time will come when they will see me.' Rewi then said to me, 'There will shortly be a great meeting at Kawhia of the chiefs of Taranaki, Thames, and Waikato. When you hear of this meeting you may come to it. Come and listen to the talk. You had better come.' (I consented.) He then invited me to go and see Matutaera. I refused, as I wished to return to Mr. Mackay.

* On the road from Aotea to Raglan.

† Rewi had just returned from the interior of the country.—J. M.

‡ This is a poor excuse, as Rewi sent W. Kumete and Waata Te Aotea to detain me for three days if I persisted in going to see him. He wanted three days to assemble his people. I did not know this at the time, but have since received the information. Kumete returned to Kawhia the day before my arrival at Aotea.—J. M.

“ Rewi then complained of his tribe, Ngatimaniapoto, persisting in fighting. He stated that Rewi Te Whakahoehoe went to the White Cliffs without his consent, and against his direct orders. They were defeated, and Rewi's ‘ teina,’ Rore, was captured by the soldiers. I was carefully watching the words of Rewi, and when he had finished, I said, ‘ You have committed two offences, one against man (the war), against the Queen, and you are now fighting against God in adopting the Pai Mariri religion.’

“ Rewi stated he was not a Pai Marire at heart, he did not believe in it; but followed it from political motives.

“ Rewi disapproves of the war on the east coast, and stated that after Kereopa's retreat he was made prisoner by his own followers, and is now to be put to death on account of the evil he has caused to the east coast tribes.

“ The Waikato and Ngatimaniapoto intended attacking the loyal tribes at Aotea and Kawhia, on account of the assessor at Aotea having seized some goods which had been purchased by a Native named Te Raro at Raglan. He restrained them, because he considered Te Raro to blame for going into a loyal district, and if she pleased to go into an enemy's country to purchase some goods, she must take the consequence of her folly. Rewi expressed himself much pleased with the steps taken by Mr. Mackay, and thought the disputes would now be ended.

“ Rewi complains of friendly Natives stealing his cattle at Hangatiki, and wishes them to be stopped.”

Wiremu Patene is of opinion that Rewi wishes to make peace, and I incline to that view of the case; but it appears that Reihana Te Whakahoehoe and the ultra Pai Marire party still wish for war. I have no doubt that at the great meeting of rebel chiefs the question of peace or war will be discussed. If the latter is decided on, it is highly probable that an immediate attack would be made on Raglan or Waikato. I would suggest the desirability of sending a ship of war to lay in Kawhia Harbour just before the meeting takes place, so as to guard against any sudden attack.

I have inadvertently overlooked one statement made by Rewi, viz., that he considered the war at Whanganui and Waitotara ended, and that it would have been over at Taranaki before now, but for the shooting of the chief Totaia by a party of soldiers in ambush, when he was travelling to make terms of peace with Mr. Parris.

I would also mention that a considerable number of rebels were present at a meeting held at Kawai (Hone Te One's place) on the 4th of December, and they behaved very well. They belonged to both sides of Kawhia.

The Hon. the Native Minister,
&c. &c.

I have, &c.
(Signed) JAMES MACKAY, Jr.
Civil Commissioner.

No. 18.

No. 18.

COPY of a DESPATCH from Governor SIR GEORGE GREY, K.C.B., to the Right
Hon. EDWARD CARDWELL, M.P.

(No. 1.)

Government House, Wellington, January 1, 1866.

(Received March 16, 1866.)

(Answered No. 35, March 26, 1866, page 116.)

SIR,

ADVERTING to the remarks contained in your Despatch, No. 86,* of the 26th of October last, upon the subject of advances made from the Military Chest for the rations and pay of the local forces, raised and organized in New Zealand for the defence of the Colony against aggression and for the preservation of public tranquillity, I have the honour to state that I think the following circumstances require consideration in forming an opinion upon that subject.

2. The system of advances did not originate with myself, but was in full operation when I arrived here, under the instructions contained in the Circular Despatch of the 22nd of October 1857, and the Colonial Treasury being unable to meet the expenditure authorized by that Despatch, the system which it sanctioned has necessarily been continued.

3. The General commanding the forces here having refused to furnish the Governor with copies of his Despatches relating to military subjects, and having kept back from him the estimates of military expenditure, which the Governor was authorized to consider and remark upon, the whole control of the military expenditure, either Imperial or Colonial, was virtually taken out of the hands of the Governor; for the latter class of expenditure necessarily depended on and kept pace with the former one.

4. I believe that at no time during the war did myself or my Responsible Advisers deem the great expenditure to which the Home Government or the Colony was put either necessary or desirable. I believe it was at all times our opinion that much more might be accomplished at a much less expense, and by means far more moderate and less costly.

5. It was, however, continually hoped that at length operations would be more energetically and actively carried on, and in a less costly manner, and that then the war would come speedily to an end.

* Vide Papers
presented Feb.
1866, p. 251.

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6. I was, from the causes before stated, necessarily ignorant of the nature and extent of the information afforded to Her Majesty's Government regarding the expenditure on military operations, and of the nature of their views and instructions in relation to the conduct of these operations, and the large expenditure which was being incurred.

7. What I fear, however, you have been left in ignorance of is the very large and costly aid which has been afforded by the Colony to the General commanding the forces for the suppression of the rebellion in this country.

8. The Colony not only kept in the field a force on some occasions I believe exceeding 9,000 men; but in its desire cordially to co-operate in the suppression of the rebellion has paid nearly a quarter of a million in providing transport for Her Majesty's regular forces, in providing saddles, arms, and accoutrements, and extra pay for portions of those forces, in paying interpreters and guides for officers of Her Majesty's regular forces, and in other similar charges, which the Colony was not, by instructions from Her Majesty's Government, required to take upon itself.

9. All advances from the Military Chest have also been made with a view of doing away with Imperial expenditure in this country. The Colonial forces paid or rationed by such advances have taken the place of the regular troops, thus effecting a large saving to Great Britain, and in addition to this the Colony has recently in as far as possible undertaken all operations at its own cost. The entire campaign on the east coast has been conducted by the Colonial forces, and has been paid for by Colonial funds. This could not have been done had not its forces in other directions been paid or rationed by means of advances made from the Military Chest.

10. The Colony was so impoverished by the exertions it had made to carry on the war, its means were so exhausted, and it found such difficulty in raising funds, that it was only by the aid of the advances made it could have taken upon itself charges which have relieved Great Britain from so large a past and prospective expenditure, and I feel sure the more carefully the matter is considered the more fully it will appear that the regulations under which the Lords of the Treasury sanctioned the issue of such advances have worked well, and have resulted in a considerable saving to the British Treasury.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. in No. 18.

Enclosure in No. 18.

STATEMENT showing Amounts advanced from Colonial Treasury on account of IMPERIAL TROOPS
and SERVICES.

	£
Flying column: Officers and men belonging to Her Majesty's Imperial troops, but receiving pay from the Colonial Government	4,320
Royal Artillery as a mounted troop: Cost of saddles, arms, and accoutrements provided by the Colonial Government	1,500
Pay of do. do. do. do.	2,440
Interpreters and guides to Officers commanding Her Majesty's forces	4,000
Pay of men belonging to the Colonial forces, but attached to the Imperial Commissariat Transport Corps	81,880
Amount paid to Imperial troops as working pay; cost of tools, &c. for do. do. and cost of services performed at the instance of the Lieut.-General commanding	37,032
Cost of steamers for sea and river service	48,500
Working expenses for do. do. 1863-4-5	66,600
Cost of working coal mines on Waikato, to provide coals for do., 1864 and 1865	6,000
Cost of working plant at Waikato Heads for dockyard	5,000
Subsidy paid by the Colonial Government to Her Majesty's ships of war on the station	9,000
	<u>£266,272</u>

Colonial Defence Office, Wellington,
4th January 1866.

(Signed) J. HOLT,
Under Secretary, Colonial Defence.

No. 19.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

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No. 19.

(No. 2.)

Government House, Wellington, January 1, 1866.

(Received March 16, 1866.)

SIR,

(Answered No. 33, March 26, 1866, page 115.)

I BEG to thank you for forwarding to me General Cameron's Despatch of the 4th of September 1865 to the Secretary of State for War, complaining of my having made misrepresentations. Some obscurity rested on the matter from General Cameron having omitted to send to each of the persons interested in this question some portions of the correspondence, which were necessary to a clear understanding of the matter. For instance, he transmitted to me a copy of a reply he had received from Brigadier-General Waddy, but kept back from me his own letter which drew forth that reply, and when he transmitted these two letters to the Secretary of State for War with his complaints on the matter, he apparently did not at the same time send a copy of the letter which he wrote to me from Melbourne in relation to this correspondence. These omissions are, however, now supplied.

2. I return General Cameron's letter with marginal notes attached to it. I am sure these will satisfy yourself and the Secretary of State for War that I have made no misrepresentations.

3. As I am at so great a distance from home, and have no opportunity of defending myself until many months have elapsed after attacks have been made upon me, I beg to be allowed to offer the following general remarks.

4. I think that all the accusations made by General Cameron and those acting with him, such as those contained in the letter I now return, should be received with great caution.

5. It was my belief that an altogether faulty system of warfare had been pursued in this country, which had unnecessarily entailed a great loss of life, a vast amount of human suffering, an enormous and useless expenditure and waste of materials upon Great Britain and this Colony. I thought it was my duty under such circumstances to give a practical proof that more important results than had ever hitherto been attained could be gained with a much smaller sacrifice of life, with a much smaller force, and at a very trifling cost. I think I succeeded in doing so, and all that has since taken place in this country has shown the soundness of my conclusions. No other principle has since been acted upon.

6. I feared after the large loss of life which had been incurred here, and after such vast sums had been spent, I could only succeed in my object by incurring bitter animosity and persecutions of many kinds; I thought it my duty, however, to encounter this risk, in addition to the others I had to meet, and I shall bear the evils resulting from it with equanimity and cheerfulness. I know that I have done my duty, and that knowledge will sustain me under any attacks that may be made upon me, or under any censures or inconveniences which Her Majesty's Government may from want of information subject me to.

7. In considering generally the question of the Wheraroa Pa, I trust you will remember that General Cameron considered it in January 1865, when it was far from complete, so formidable a work that he could not attack it with less than 2,000 men, and then only with great loss; and at the end of May he held the same views, believing that our loss in such an operation would be much heavier than that of the Natives.

8. General Cameron has put up with his Despatch a letter from General Waddy, to show that although the Wheraroa Pa was so strongly fortified a place, the statement made by the native chief Pehimana, that there were 600 men in it, was an exaggeration, and that it was generally thought there were not more than 150 or 200 men there at the time of the attack on it.

9. To this I answer that Pehimana is the same man that wrote to tell General Cameron, when he was near it, that there were 1,000 men in the place. I believe the exaggeration was nearly equal in each instance, but at the time the statement of 1,000 men was made the works of the place were not nearly completed.

10. With regard to the number of men in the pa, that forms no fair criterion of what was done, the place and 57 prisoners were taken with their arms, by a very small force without artillery; the rest of the enemy saved themselves by timely flight. To New Zealanders

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to have their warriors taken captive is a more disgraceful defeat than if they are slain. This was done with no loss on our side.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have &c.
(Signed) G. GREY.

Encl. in No. 19.

Enclosure in No. 19.

DESPATCH of Lieutenant-General Sir DUNCAN CAMERON to the Right Honourable the SECRETARY OF STATE FOR WAR, with Sir GEORGE GREY's Remarks.

SIR D. CAMERON.

SIR GEORGE GREY.

Sir E. LUGARD to Sir F. ROGERS.
War Office, October 18, 1865.

SIR,—I am directed by Earl de Grey to transmit to you, for the information of Mr. Secretary Cardwell, the accompanying copy of a Despatch, with its enclosures, from Lieut.-General Sir Duncan Cameron on the subject of the capture of the Weraroa Pa, and in explanation of his own proceedings in reference thereto.

I have, &c.
(Signed) EDWARD LUGARD.
Sir Frederic Rogers, Bart., &c.

Lieut.-General Sir DUNCAN CAMERON to EARL DE GREY.

On board P. and O. Steamer "Yeddo,"
September 4, 1865.

MY LORD,—I have the honour to forward to your Lordship a copy of a letter, and its enclosure,* which I received before I left New Zealand from Brigadier-General Waddy, commanding at Wanganui, reporting the evacuation of the Weraroa Pa by the rebels on the 21st July last.

2. A Despatch from Sir George Grey to the Secretary of State for the Colonies, reporting the operation which led to the evacuation of the pa, and a Speech made by his Excellency at the opening of the General Assembly on the 26th July, were published before I left the Colony, and will reach Her Majesty's Government by this mail.

3. I beg to draw your Lordship's attention to them, and to the following remarks which I have to make in answer to the complaints which they contain:—

4. 1st, Of the delay in attacking the Weraroa Pa; and 2nd, of orders stated to have been issued by me to Brigadier-General Waddy, Lieut.-Col. Trevor, and the officers and men under their command, precluding them from taking any active part in the operations against the pa.

5. I would begin by observing that the most serious delay which has occurred was caused by the postponement of hostilities until January, by which three or four of the most favourable months for operations in the field were lost; and for that delay Sir George Grey alone is responsible.

6. In my Despatch to your Lordship of February last, I explained to your Lordship my reasons for moving the column under Brigadier-General Waddy's immediate command to the Patea without attacking the Weraroa Pa; and in my Despatch

Brigadier-General Waddy, in his letter of the 19th of July 1865, stated that from the instructions under which he was acting from Lieutenant-General Cameron, he could only direct an immediate attack on the Weraroa Pa when Lieutenant-General Cameron directed that such an attack should be made, and that he could not undertake this operation against the pa unless he received the orders of the Lieutenant-General Commanding the Forces to do so.

The enclosed extract from Despatch, No. 82, of the 6th of July 1865, will show that such was not the case. (See Appendix A.)

This Despatch of the 4th February last was never communicated to me. I had no idea of what were the objects contemplated by moving the column under General Waddy to the Patea. The maintaining the objects of this movement a secret

* General Waddy to Assistant Military Secretary, 25th July. Governor to General Waddy, 23rd July.

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of the following month I acquainted your Lordship with the instructions I had received from Sir George Grey to occupy the coast between Taranaki and Wanganui.

7. Of these instructions, which defeated the object for which I moved General Waddy's column to the Patea, and which for a long time prevented any operations being undertaken which had the capture of the Weraroa Pa for their object, Sir George Grey makes no mention in his speech. They were given, I presume, with the concurrence, if not by the advice of the Colonial Ministers, who, as well as Sir George Grey, were aware of my objections to the occupation of so large a tract of country by Her Majesty's troops.

8. A chain of posts having, in pursuance of these instructions, been established, which I was requested to occupy during the winter, Sir George Grey proposed to me in the month of May that operations should be commenced against the pa, and he gave me permission to abandon temporarily any of the posts on the coast which I might think necessary to enable me to assemble a force sufficient for the purpose.

9. In reply to this proposal, I considered it my duty to represent that, the rainy season having set in, the operations of a regular attack would be extremely harassing to the troops, and from the impossibility of preventing the escape of the garrison, the result would be only the capture of an empty pa. Intelligence, moreover, had been received through the friendly natives related to those in the pa, that a large party were for giving it up, and I felt convinced that if a post were established near enough to observe the pa, some opportunity would occur before long of obtaining possession of it, without assembling a large force for a formal attack, which at that time of the year it was desirable to avoid.

10. I however informed the Governor that I would comply with and carry out to the best of my ability any instructions which, after that expression of my opinion, he might think fit to give me for undertaking the siege of the pa.

11. Sir George Grey having declined to give me instructions, I directed Brigadier-General Waddy to construct a post at Nukumarū, and gave him a discretionary power to attack the pa if he saw a favourable opportunity of taking it by surprise or sudden attack.

12. Brigadier-General Waddy was aware of my objections to a formal siege of the pa at that time of the year, and concurred in them.

13. After the establishment of the post at Nukumarū, all the reports I received from Brigadier-

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from the Governor of the country, who had so largely to aid in the operations, shows the system which was pursued.

General Cameron never stated the objects for which he had moved General Waddy's column to the Patea, and never stated that any instructions I had given had defeated those objects. I do not think any instructions I gave could have done so. They are contained in my letters of the 13th of March and 22d of March, which are enclosed. (See Appendix B.)

This quite mis-states the instructions I issued with the knowledge and assent of my Responsible Advisers. It will be seen above that all General Cameron was asked to do was, that, as he could not attack the Weraroa Pa, as it was so formidable a work, "he should continue his advance as far as the means at his disposal would admit." The extent of the tract of country was thus left entirely to his own discretion.

The enclosed extracts from Memoranda addressed to me by the Colonial Ministers will show how different the views of the last Government are from General Cameron's on this subject, and how entirely they accorded with my own. Experience proved that we were right. (See Appendix C.)

General Cameron's repugnance to attack the place had been so great, his expressions regarding its formidable nature and the danger of the undertaking had been so strong, his statements regarding the winter season had been so decided, and his losses before other places of very inferior strength so large, that I was afraid to direct him to attack the place after what he had said.

I did not, however, take this view on the 19th of May. I wrote to General Cameron, and told him my opinion was that leaving the enemy in the Weraroa Pa was producing very bad effects, and told him that it was my opinion that a force should be collected with the least practicable delay to take the Weraroa Pa.

I have pointed out in a previous letter that the post at Nukumarū was in every way unfit for such a purpose; in fact the object named could not have been attained from it.

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General Waddy confirmed me in the opinion that the Natives would surrender the pa. On the 17th July the Governor arrived in front of the pa, and held a conference with the rebels. (Had he acquainted me with his intention of going to Wanganui, I might have joined him there.) On the following day the two principal chiefs gave themselves up to the Governor; another left the pa with his followers, and the whole professed a desire for peace. On the 20th July, General Waddy wrote from Wanganui—"Mr. Parris and Captain M'Donnell, who know the Natives well, firmly believe "that the pa will be given up."

14. Sir George Grey however, thinking that he had reason to doubt their sincerity, broke off the negotiation, and having applied to General Waddy for reinforcements, sent the Forest Rangers and friendly Natives to occupy the Karaka Heights, a point about one thousand yards from the pa, and on the same bank of the river.

15. The Natives then evacuated the pa without firing a shot.

16. As their retreat was at the time perfectly open, the pa well provisioned, and as the party on the Karaka Heights could not prevent the entrance of supplies and reinforcements into it from the opposite bank of the river, it may be inferred that they had no serious intention of defending the work.

17. Looking at the result, I think there is no reason to regret that the pa was not attacked at an earlier period.

18. Had I done so, I have little doubt that I should have lost many officers and men without gaining any greater advantage than has been obtained by its evacuation.

19. Nothing had occurred when I left the Colony to warrant the Governor's statement that the delay had involved consequences fraught with disaster, and led to fresh outbreaks in other parts of the Colony.

20. The fact is that, except on the East Coast, the Natives had for many months remained on the defensive, and all the hostilities that had taken place in or near any of our settlements had been provoked by our invasion or occupation of their territory.

21. In regard to the East Coast, I had received no information for several months from the Governor or the Colonial Ministers about the state of that part of the Colony; but as we have no settlements where the disturbances have taken place, and the loyal Natives greatly outnumber the rebels, there would appear to be no necessity for our interference.

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I could not have acquainted General Cameron with my intention of going to Wanganui; he had quitted the then seat of the war, was not at the then seat of Government, and was distant from me in point of time from 12 to 15 days. But I had, in truth, no desire to see him there; my object was to try to have a new system of operations inaugurated opposed to his, in which he never could have cordially aided me.

I cannot believe that General Waddy, after the manner he had seen me turned away from the pa on the 17th, and after the rebel Natives had declared upon the 18th that they would only make peace upon my acknowledging the Native King, could have seriously believed that the pa would be given up. Certainly, after the 18th, Mr. Parris never led him to believe that he thought that such would be the case.

I did not break off negotiations. I was turned away from the place.

This is not correct. A reinforcement of 57 men, with their Chief, was, according to the native custom, bivouacked outside the pa, in its rear, so as to be removed from under fire, and to make no call on the provisions of the pa, yet ready to rush in and aid in its defence the moment firing commenced. When this reinforcement was surrounded by our men, they opened fire upon them, but finding their position hopeless and resistance useless, laid down their arms. This event exercised a powerful influence on those in the pa.

We had captured the only reinforcement they had near them. We had taken all the supplies they had within many miles of them, and were using them. The pa was not well provisioned, and they must have expected every moment that the only line of escape left open to them (that by which they did effect their retreat) would have been occupied. After that only stragglers could have stolen through in the night.

The remarks on paragraph 9, and Memoranda of Ministers enclosed (see Appendix C.), will show how erroneous this view is.

I am satisfied the pa could have been taken in January with very trifling loss, and that many of the evils which have since fallen on the country might have been avoided.

I am convinced that no person well acquainted with the state of the country will agree with the statements made by General Cameron in paragraphs Nos. 19, 20, 21.

The enclosed Memorandum from my Responsible Advisers (see Appendix D.) will show that the rebels on the East Coast very largely outnumbered the friendly Natives. That we have a large and important settlement on the East Coast, and that an absolute necessity existed for our interference.

SIR D. CAMERON.

22. I heard, however, that the Colonial Government had supplied the loyal Natives on several occasions with arms and ammunition, and had sent a detachment of Volunteers to co-operate with them, and it would appear from Colonel Greer's report of the murder of Mr. Fulloon and two sailors on the East Coast, that the Government had been endeavouring to raise the loyal Natives against the rebels by the promise of sending troops to their assistance.

23. In regard to this murder and the two skirmishes at Taranaki, of which your Lordship will receive reports by the present mail, and in which you will perhaps consider that some valuable lives have been lost without any useful object, I would observe that large tracts of country having become confiscated and occupied by us, and whole tribes of Natives expelled from their lands, it is not surprising that some acts of atrocity should be committed by them for the sake of revenge when the Government give them the opportunity by sending their agents on such missions as that of Mr. Fulloon's; and that the Governor having encouraged the officer in command at Taranaki to act independently of the officer commanding the troops, and to undertake any operations he may think proper without reference to him, the Governor must be considered responsible for any misfortunes that may occur in that province.

24. With regard to Sir George Grey's complaint that General Waddy, Lieut.-Colonel Trevor, and the officers and men under his command, had orders which precluded them from taking any active part in the operations against the pa, I beg to forward copies of a correspondence between General Waddy and myself on the subject, from which your Lordship will see how little foundation there was for such statement.

25. It appears on the contrary from General Waddy's letter that whilst that officer was prepared to employ the troops under his command in any way that could conduce to the capture of the pa, Sir George Grey displayed very little anxiety for his co-operation, or for the arrival of the reinforcements he had requested him to send from Wanganui.

26. According to the Governor's Despatch it was at two o'clock in the morning of the 20th, that he determined to commence operations against the pa at once without waiting for reinforcements; and General Waddy being at that time at Wanganui, distant only 20 miles from the pa, Sir George Grey might easily have communicated with him by mounted orderly in two or three hours, and the reinforcements might have joined him on the afternoon of the 20th, or at latest on the morning of the 21st, before the pa was evacuated.

27. Sir G. Grey, however, did not think it necessary to acquaint General Waddy with the change he had made in his plans, or to communicate with him at all until after the evacuation of the pa, but left him under the impression that nothing would be attempted against the pa until he arrived with the guns and reinforcements from Wanganui.

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Mr. Fulloon was a half-caste New Zealander; his mother was a native of the part of the coast he went to visit; he was related to several of the leading families there, and possessed much influence.

The enclosed papers (see Appendix E.) will show that the Government did not send Mr. Fulloon on a mission to Whakatane—that they had ordered him to proceed direct from Auckland to Wellington, and that at his own request, he was allowed to go by way of the East Coast, for the purpose, as he expressed it, of checking the spread, and, if possible, of suppressing the Pai Marire superstition, and also of observing the Opotiki Natives.

Colonel Warre has answered this statement in the enclosed paper. : (See Appendix F.)

General Waddy's orders have never yet been communicated to me. I believe, from what I heard, that it would be found that General Cameron had written to say that he intended to attack the place himself in the spring, that preparations were to be made for that purpose, and that they were afraid to interfere to defeat this intention. General Waddy distinctly stated in his first letter, of the 19th of July, that he would not direct an attack on the pa until General Cameron directed that such an attack should be made.

On the 19th, Brigadier-General Waddy informed me that he could not direct an immediate attack on the Wereroa Pa unless he received the orders of General Cameron to do so, who was at that date distant in point of time from 14 to 15 days from Wanganui. Brigadier-General Waddy however undertook upon the same day, as a considerable time might elapse before he could receive orders from General Cameron, to establish without delay a post of 400 men at a point I indicated, which post would serve at once as a moral support for the Local Forces and Natives, and answer the purposes of a post of observation.

Brigadier-General Waddy started into Wanganui to carry this arrangement out. I understood distinctly that the troops were to march from that place on the 20th of July, and were to arrive at the point arranged upon the morning of the 21st, and that Brigadier-General Waddy was to arrive with them. There was no change in my plans, I had determined on the 19th to attack the pa, and after inspecting the ground, I, during the course of the night of the 19th (that is by 2 a.m. on the 20th), had decided on all the details of the attack. All these were based on the supposition, that, as had been promised, the troops would march from Wanganui upon the 20th, and arrive on the 21st. The 20th however proved a rainy day, the order for the march of the troops was

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28. And this is the more extraordinary, as if the position of Captain Brassey, at Pipiriki, was as critical, and the necessity of marching to his relief as urgent as is represented in the Despatch; and if it was true that had a larger force been at the disposal of the Governor, he would have been enabled to occupy a second point below the pa, and thus to cut off the retreat of the Natives, he had the strongest reason for wishing that the reinforcements should join him with as little delay as possible.

29. In point of fact, however, no risk was incurred, nor any advantage lost by the non-arrival of the reinforcements from Wanganui. Captain Brassey's post was strong enough to defy any force the rebels could bring against it, and some days afterwards, when the communication with him was re-opened, he and his detachment were found perfectly safe. Nor would the occupation of the point referred to by Sir George Grey have enabled him to cut off the retreat of the garrison, whose escape it would have been impossible to have prevented by night, even if he had invested the pa on the right as well as on the left bank of the river, for which his force was not sufficient.

30. Had the pa been defended, it would have been necessary to have attacked it in the manner stated in General Waddy's letter, or, what is more probable, by the sap.

31. I regret that the misrepresentations of the Governor have compelled me to trouble your Lordship with all these details, but I hope, in justice to myself, your Lordship will allow this letter to be published at the same time with the Governor's Despatch and Speech to the General Assembly.

I have, &c.

D. A. CAMERON,
Lieut.-General.

ENCLOSURE.

Brigadier-General WADDY to the ASSISTANT MILITARY SECRETARY.

SIR,

Wanganui, July 25, 1865.

I HAVE the honour to forward, for the information of the Lieut.-General Commanding the Forces, a letter to me from his Excellency the Governor, in which his Excellency expresses his thanks for the invaluable aid afforded him by the troops under my command, which I sent to assist the Colonial forces and friendly Natives in operations against the Weraroa Pa, which operations resulted in the evacuation of this strongly fortified place by the rebel Maories during the night of the 21st instant. One of the rebel chiefs who surrendered on the 17th instant stated there were 600 men in the pa, but it is generally thought there were not more than 150 or 200.

His Excellency speaks highly of the energy and intelligence displayed by Lieut.-Colonel Trevor, 14th Regiment, who commanded the troops in front of the pa.

I have, &c.

R. WADDY,
Brigadier-General Commanding
Field Force.

The Assistant Military Secretary,
Auckland.

countermanded by Brigadier-General Waddy, and their march was delayed until the 21st from the rain. This change was not communicated to me, and I passed all the 21st in a state of great anxiety, expecting the momentary arrival of Brigadier-General Waddy and the reinforcements, and I did not know until the night of the 21st or the morning of the 22nd, after the Natives had fled from the pa, the reason why the reinforcements had not arrived on the morning of the 21st.

The enclosed memorandum from Mr. Parriss (see Appendix G.) will show that a strong reinforcement was rapidly moving up to strengthen the pa. Whilst Captain Brassey's own letters, and those of other persons, published with the original papers, show how critical was his position, and how great his need. See especially in his own letter of the 21st July. "*Simus sine rubus belli satis*. My cry, if I could make it heard, would be the M. M." It seems almost cruel when so brave a man thus expresses himself, to say he was in no danger.

My opinion is quite different from General Cameron's on these points. I was at the place, which he was not. I had a good Native force and trained men of the Colonial forces with me. Many years' experience qualifies me to form a judgment on such subjects, and I am sure General Cameron is wrong in what he here says.

G. GREY.

SIR D. CAMERON.

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ZEALAND.

Governor Sir G. GREY to Brigadier-General WADDY.

SIR,

Wanganui, July 23, 1865.

As I am about to embark this morning for Wellington, I cannot write to you at such length as I should wish; but I cannot leave this place without expressing my thanks to you for the invaluable aid you afforded me by assisting me during the last few days to the extent that your instructions allowed.

The aid you thus gave me most materially conduced to the speedy capture of the pa, a point of the utmost importance to attain whilst Captain Brassey and his party were in such danger at Pipiriki.

Lieut.-Colonel Trevor, of the 14th Regiment, with a detachment of one hundred men of that regiment, first arrived on the ground on the morning of the 20th instant. Lieut.-Colonel Trevor and the officers and men of the 14th afforded every assistance in their power.

Lieut.-Colonel Trevor was throughout in command of the troops. He acted with the greatest energy, and afforded on every occasion the most valuable advice and aid.

On the morning of the 21st, a further detachment of the 14th (thirty men), under Captain Furneaux, and a detachment of fifty men of the 18th, under Major Rooke, arrived on the ground; the officers and men of which detachment also afforded every aid in their power.

I have, &c.

Brigadier-General Waddy, C.B.,
Commanding Field Force.

G. GREY.

Lieut.-General CAMERON to Brigadier-General WADDY.

SIR,

Head Quarters,

Auckland, August 1, 1865.

In his speech at the opening of the General Assembly, his Excellency Sir George Grey has stated that you and the officers and men under your command had received orders which precluded you from taking any active part in the operations against the Weraroa Pa. This I have positively denied in a letter which I have addressed to the Governor.

In my private letter to you of the 23rd June, I mentioned that I thought it would harass the troops unnecessarily to make a formal siege of the Weraroa Pa by the sap before the month of September, an opinion in which you concurred, but so far from prohibiting active operations of any other kind, one of the objects for which the post at Nukumarū was established was not to attack the pa with the troops occupying the post, as supposed by the Governor, but to enable you to observe the pa, and seize any favourable opportunity that might occur of making an attack upon it, for which troops could be quickly brought up from the nearest posts.

The Governor had been made fully aware of my objection to a formal siege of the pa at that season of the year, and it is evident that the question he put to you in his letter of the 19th July was intended to draw from you the answer in the negative which you gave him.

When afterwards, in compliance with the request contained in the Governor's second letter, you moved 400 men up to the pa, I should feel obliged by your informing me whether you gave Lieut.-Colonel Trevor orders which precluded him from taking any active part in the operations about to be undertaken, and whether there was any reason which would have prevented you, as the officer commanding Her Majesty's troops in the district, from taking command of the whole forces, Imperial and Colonial, and directing the operations if you had thought proper, or if the Governor had expressed a desire that you should do so.

It was not, then, the case of a formal siege of the pa by sap, nothing of the kind was in contemplation. The Governor and yourself had been close up to the palisading of the pa on the day previous with impunity; the principal chiefs had surrendered, negotiations were going on; and there was little probability of serious resistance being made, as the result proved.

I shall feel obliged by your forwarding your reply to me under cover to the officer commanding at Melbourne, in order that I may receive it on my way to England.

I have, &c.

D. A. CAMERON,

Lieut.-General.

Brigadier-General Waddy, C.B.,
Commanding Field Forces, Wanganui.

SIR D. CAMERON.

Brigadier-General WADDY to Lieut.-General Sir D. CAMERON, K.C.B.

Sir,

Wanganui, August 7, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant, No. 258-65, and in reply I beg to inform you that on the 19th July last, when I was at Nukumarū, and directed Lieutenant-Colonel Trevor, 14th Regiment, to move to the camp in front of the Weraroa Pa with 100 men, I did not give him any orders to refrain from taking an active part in the operations against the pa, which his Excellency the Governor had decided upon carrying on; in fact I did not think anything could be done till the 400 infantry and the guns and mortars were brought up. The 200 infantry from this got to the camp in the forenoon of 22nd July, the guns and mortars were at the Waitotara Redoubt, a few miles from the pa, and I was on the point of starting from this to ride out to the camp on that day, when the Governor arrived with the intelligence that the pa had been evacuated during the previous night, and that it had been occupied by the troops under Lieutenant-Colonel Trevor about daylight.

On my arrival in the camp I should, of course, have assumed the command of all the troops there, and directed such operations as I might have thought proper against the pa, and I am under the firm conviction that the Governor told me he intended to leave as soon as I arrived in camp. Although I declined to invest the place (which would have required a large force), and to commence a regular siege with the Imperial troops (without your orders), I certainly never contemplated their remaining passive spectators of what might take place.

When I ordered up guns to batter down the palisading of the pa, it was my intention to have made a sudden rush upon it with a joint force of Imperial and Colonial troops and friendly Natives, when I could see the defences were sufficiently destroyed, and if I did not find there was too strong a force of rebels in it to render it rash or hazardous to attempt to take it in that way.

The Imperial troops under Lieutenant-Colonel Trevor did all that was required of them. They held a position in front of the pa while the Colonial troops and friendly Natives proceeded to occupy a position in rear of it, and Lieutenant-Colonel Trevor was quite prepared to employ his 200 men of the 14th and 18th Regiments in any way he thought conducive to the speedy capture of the pa. I had told him in course of conversation at Nukumarū that I had your permission to attempt to take the pa by a *coup-de-main* if I thought fit.

I have, &c.

R. WADDY,

Brigadier-General Commanding Forces.

Lieutenant-General Sir D. A. Cameron, K.C.B.,

&c.,

&c.,

&c.

APPENDIX.

A.

EXTRACT from DESPATCH of Sir G. GREY to the SECRETARY of STATE for the COLONIES, No. 82, July 6, 1865.

4. In the second place, Sir D. Cameron was perfectly aware that I did not postpone hostilities in the Taranaki country until after the meeting of the General Assembly, and that the delay in those operations was not unnecessary, and that it had nothing whatever to do with the question of who my responsible advisers might be. The question that I wished not to decide without the advice of a responsible ministry was, what the extent of those operations should be, as the Colony would to a great extent be liable for the cost of those operations. I was anxious that their extent, and the precise object to be aimed at, should be settled with the advice and concurrence of a responsible Ministry. But this question of acting under responsible advice was in no way connected with that of whether or not operations were to be undertaken between Taranaki and Wanganui, which had long previously openly been determined on; or with the delay in September in carrying on those operations, which arose from a different cause. Sir D. Cameron knew that I had long previously determined that those operations should be undertaken, that the first preparations for them began in August 1864, or early in September, and that the interruption in them from that date to the 16th of December arose from a great peril which suddenly and unexpectedly threatened Auckland. This I am fortunately able to show from Earl de Grey having been kind enough to send me a copy of the report of the Deputy-Quartermaster-General in New Zealand from the 8th of September to the 7th November 1864, from which I extract the following statements:—

“Head Quarters, Auckland, November 7, 1864.

“Immediately after the despatch of the last journal (7th September) a very unexpected occurrence took place—the escape (on 10th September) of the whole of the Maori prisoners from Kawau, which has had a very important bearing on the political aspects, and may possibly have a serious effect on the military operations of the war.

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"Happily as yet no disaster has resulted from the escape of the prisoners, but as they are still at large, and have established themselves (though with professedly peaceable intentions) on the Omaha Mountain, where they have been joined by a few other Natives, it is still quite impossible to conjecture what the result will be.

"It is, however, satisfactory that the northern Natives have, as a rule, disowned any sympathies with the escaped prisoners.

"The country between New Plymouth (Taranaki) and Wanganui was, at the date of my last report, the contemplated scene of the next operations to be undertaken. The escape of the prisoners, and the possible complications it might lead to in the north, would of course reduce the number of troops to be available for operations in the South, and might possibly, when the time for action came, forbid the removal of any troops whatever from the Province (Auckland).

"Preparations for the intended move of troops to Wanganui and Taranaki were commenced in the way of commissariat arrangements, and the embarkation of the first detachment of the Transport Corps, when further progress was ordered to be suspended.

* * * * *

"Now, though the time favourable for active operations has arrived, none can be undertaken for a month; but until the danger in the north has passed, the large number of troops at present at Otahuhu, near Auckland, though inactive, are in the most convenient position, and ready for any emergency that may arise."

5. I feel satisfied that the foregoing statements made by the Deputy-Quartermaster-General from Head Quarters, must satisfy everyone that Sir D. Cameron not only knew, at least in August 1864, that I had determined that operations should be undertaken in the country between Taranaki and Wanganui, but that the movement of troops for that purpose was commenced before the 7th September 1864, when the operations were interrupted by a serious danger which suddenly and unexpectedly threatened the Province of Auckland.

6. But in truth Sir D. Cameron's own letters also conclusively show that the delay of three months in the intended operations had nothing whatever to do with his not attacking the Weraroa Pa. Many passages could be cited to prove this, but one will probably suffice, taken from his letter to me of the 17th of March:—

"On that occasion I explained to you why I had refrained from attacking the Weraroa Pa when I was at Nukumarū, viz., that the position was so formidable, and at that time occupied in such strength by the rebels, that I considered it could not be taken without serious loss to us, uncompensated by any corresponding loss on the side of the rebels, who could at any time escape into the bush with impunity. I stated that this was the reason why I had advanced to the Waitotara, afterwards to the Patea, and why I thought it necessary to consult you as to future operations."

7. This conclusion was come to at the time that Sir D. Cameron was erroneously so strongly impressed with the idea of the strength of the enemy, and with the determined nature of the resistance they intended to offer, that he stated he could not advance even as far as the Patea without reinforcements from home of at least 2,000 men, and it clearly had nothing to do with the delay of three months which had taken place in his proceeding from Auckland to Taranaki, and from thence to Wanganui.

B.

MY DEAR GENERAL,

Wanganui, March 13, 1865.

I AGAIN talked over with the Colonial Ministers your recommendation that I should apply to England for a reinforcement of at least 2,000 men.

I found that it would be impossible for me to obtain their concurrence in such a recommendation, for various reasons, which they stated at length. They came to this conclusion entirely on their own convictions, and I came to the same decision for the following reasons:—

I think it essential to the future peace of the country that the whole line of coast between this and Taranaki should be open to us, in fact, occupied by us, and that friendly relations should exist between us and the Natives inhabiting that tract of country. The sooner these ends are gained, the more speedily will peace be restored to all New Zealand. Believing this, I am naturally anxious to see these ends attained as soon as possible.

What remains to be done, however, after you have subdued the country north of Wanganui, even so far as Patea, is not, in my belief, more than the Colony ought to be able to accomplish in, say, two years from the present time, from its own resources.

If therefore the force you have is not sufficient to enable you to occupy the country which remains between the Patea and the point Colonel Warre can advance to, I think the Colony must be satisfied with what you can do with the resources at your disposal; and that, after all England has done for it, it ought not to call upon Great Britain to send further large reinforcements here. I really should feel most unwilling to make such a demand.

Everything that is now taking place leads me to the conclusion that the Natives will soon submit in nearly all parts of the Island, and once they do submit, they return much more speedily to friendly relations with us than you would suppose. If I am right in this view, the war might be nearly terminated before further reinforcements could arrive.

I have, &c.

Lieut-General Sir D. A. Cameron, K.C.B.

G. GREY.

EXTRACT from letter of SIR G. GREY to GENERAL CAMERON, March 22, 1865.

NEW
ZEALAND.

What I desire to see is, the subjection and punishment of tribes who have been guilty of great atrocities, and have instigated others to commit similar acts. Until they are put down and punished, I am sure there can be no peace or safety in this Island for Her Majesty's European subjects, or for loyal and well disposed Natives.

Next, I would say, you have in your own correspondence answered the question whether or not I can wish you to attack the Weraroa Pa at once. However necessary I might think the capture of the pa to be, to prevent wrong impressions in the Native mind, or to attain the important objects which you have pointed out in your letter of the 17th instant, would follow from the capture of that pa, it is quite impossible for me to request you to attack it at once, when you have told me that you consider your force insufficient to attack so formidable a work, and that to enter upon this task you would require an available force of 2,000 men; that the Natives have rendered the pa so formidable a position, and have at the same time occupied it in such strength, that it could not be taken without serious loss uncompensated by any corresponding loss on the side of the rebels, who could at any time escape into the bush with impunity. The other alternative presented to me, must therefore necessarily be the one that I choose, viz.,—that you should continue your advance towards Taranaki, so far as the means at your disposal will admit. All I would ask is, that when you find that you cannot get further than some particular point, that you would let me know where that is, that the Colonial Government may determine what it will then do.

I have, &c.
G. GREY.

Lieut.-General Sir D. A. Cameron, K.C.B.

C.

EXTRACT from MEMORANDUM by MINISTERS, June 26, 1865.

They agree with the Governor that his instructions to Lieut.-General Sir D. A. Cameron have not been carried into effect. The country between Wanganui and Patea is not in our possession, and the defiant attitude of a few hundred fanatics at Weraroa Pa, in the immediate presence of a British army, and commanding the main line of road between Wanganui and Taranaki,—the very Waitotara road which it was the object of the Government to carry on,—has renewed the confidence of the hostile Natives, not only in their superior prowess, but also in the supernatural powers which their prophet claims to possess.

As the means at the disposal of the Lieut.-General are, in his opinion, insufficient to enable him to capture the Weraroa Pa, Ministers, whilst availing themselves of this opportunity of reiterating the expression of their respect for the gallant British army now in this country, are of opinion that its forced inaction renders it a source of weakness to the Colony, and rather retards than promotes that peace which it was their hope ere this to have established. They believe that the political action of the Military Officer commanding has resulted in fresh embarrassment and detriment to the public service.

EXTRACT from Memorandum by MINISTERS, July 12, 1865.

In the actual conduct of operations in the field, not merely have the instructions given by his Excellency the Governor to the General been disregarded, but the efforts of the Colony to bring the war to a close by the capture of the Weraroa Pa, the centre and focus of disaffection (as admitted by high military authority), have been frustrated by military interference. The effect has been, not merely to protract the war and exhaust the resources of the Colony, but the enemy has been emboldened, his stronghold reinforced, and a new outbreak is threatened on the East Coast, the natural and obvious result of the inaction of the Imperial forces on the West Coast.

Had the Colonial Government received from the Imperial forces the hearty assistance and co-operation which they had a right to expect; or had the Colony been permitted to carry out, without interference, its policy of self-defence, Ministers believe that peace would have been ere this restored, and the Colony relieved from the burdens which at present are involving it in ruin.

D.

MEMORANDUM.

His Excellency the Governor, &c., &c., &c.

MINISTERS have read General Cameron's letter of the 4th September 1865, transmitted in Mr. Cardwell's Despatch No. 86, of October last.

Ministers do not desire to prolong the discussion as to the Weraroa Pa, but they think it right to express their unqualified dissent from General Cameron's statements with respect to the position of affairs on the East Coast.

It is difficult to understand how General Cameron could describe this position as being one with respect to which there would appear to be no necessity for our interference. The following is a brief review of the facts in connexion with it: Some months before General Cameron left New Zealand the Rev. Mr. Volkner had been murdered at Opotiki, on the East Coast. This murder had long been premeditated, was committed in cold blood, and accompanied by acts of cannibalism and other atrocities. The person murdered was a most amiable missionary, who for many years had devoted his time and

energies to the improvement of Natives who were consenting parties to his murder. Another missionary clergyman, who was with Mr. Volkner, escaped with difficulty from their hands.

No single event since our occupation of the Colony produced so profound a sensation amongst both Europeans and Natives. The impunity which apparently followed so great an atrocity was daily encouraging Natives more or less disaffected in many parts of the Colony to throw off all restraint, and to plan further outrages. Hau Hau emissaries from Taranaki, Wanganui, and other places traversed the East Coast, carrying on poles the heads of soldiers whom they had killed, and openly announced that a similar fate to Mr. Volkner's awaited other missionaries, including the Bishop of Waiapu.

Mr. Fulloon, who was a half-caste related to some of the Natives in that district, requested permission to visit it, believing that his influence might check the spread of the fanaticism; but himself fell a victim to it, being murdered while lying in his bed on board the vessel in which he was, which was boarded for that purpose; three other persons on board being murdered at the same time, the goods taken out of the vessel, and the vessel then burnt.

To oppose these fanatics there were at the time, to the north of the East Cape, only the Arawa tribe who were friendly to the Government, but who were outnumbered, and often driven back to the shelter of their pa.

On the south of the East Cape the Chief Mokena, near Waiapu, with a small following, could alone be found to profess friendship to the Government and opposition to the Hau Haus who surrounded him. In this extremity he appealed to the Government, who sent him arms and a small party of military settlers and volunteers, who relieved him, and with his co-operation routed the fanatics in his neighbourhood.

Further south the Hau Haus invaded Poverty Bay. Bishop Williams, threatened with the fate of Mr. Volkner, was obliged to leave. So urgent was the demand for assistance, and so small the power of affording it, that 35 men were all that could at first be furnished to that district. One of the first acts of the present Ministry, after they took office, was to take measures in concert with Mr. McLean, Superintendent of Hawke's Bay, for the relief of Poverty Bay, by collecting from other places a mixed force of Europeans and Natives in the pay of the Colony; nor did this relief arrive in Poverty Bay a day too soon. They found on their arrival the Hau Haus in possession of the Bishop's premises, that they had destroyed his books, furniture, garden, and fences, and were about to burn his house, near which they were erecting a strong pa; that they were driving in and destroying the cattle and sheep of the settlers, and wrecking their homesteads, and that they were daily being reinforced by numbers of Natives from other places; while so doubtful was the loyalty of even those Natives of the district who had hitherto professed to be friendly that we now know that they nightly debated whether they should not join with the Hau Haus in an attack on the 35 Europeans who had gone to help them.

Had the Colonial force sent into the district not encountered the Hau Haus with the same success as has attended its operations at Opotiki and other places, there is no doubt that the settlers of the Province of Hawke's Bay, and subsequently those in the Wairarapa, would have been the next objects of their outrages.

No previous period in the history of the Colony has been more critical as to the prestige of the Government, and its power to suppress crime and prevent a general outbreak, than the period from the murder of Mr. Volkner till within a few weeks of the present time; and certainly the last opinion which might have been expected to have been expressed with respect to the position of affairs at that time was that "there would appear to be no necessity for our interference."

Extracts from papers referring to the state of affairs on the East Coast since the murder of Mr. Volkner are enclosed for the information of the Imperial Government.

Wellington, 8th January 1866.

E. W. STAFFORD.

EXTRACT from a LETTER from FRIENDLY CHIEFS at the Whaiti to Dr. NESBITT and Mr. Civil Commissioner SMITH, dated 17th February 1865.

* * * * *

"NATIVES of Taranaki, Waikato, and Raukawa have come here to preach (the religion of) their god, and leading also Pakeha captives; there are two living men, and one head of a murdered man. When they came here they urged us to turn to their god, but we did not consent. They replied, 'It is well; the bearer of our sword is close behind to destroy you and all the Arawa.'"

EXTRACT from a LETTER from Miss WALLACE, dated 21st February 1865, of Whakatane.

* * * * *

"ON Saturday last a large party of 'Pai Marires' arrived at Ko Peeopeo from Taranaki and Taupo, bringing with them a British soldier a prisoner, and the head of Captain Lloyd, which they exhibit with a cap of the 70th on; they pretend to make it speak.

"They have put a *cut** on this port, and have laid down the law here, that no vessels are to be allowed to come here under pain of being taken and all on board put to death. Our informant, an European, who has been watching and listening to all that has been going on, says he is afraid the Ngatipukeko will not dare to resist them, as they are in great terror of them. They left for Opotiki on Monday morning, leaving behind a party to watch that the *cut* is not broken.

"At Opotiki they will do the same, and were heard to say that they would give the Rev. Mr. Volkner orders to leave, and if he refused he would be killed. If the Whakatohea refused to do it, they would.

* "Kati"—to shut.

NEW
ZEALAND.

"We have promised our informant to try and get notice sent to Mr. Volkner not to come to Opotiki at present, but to wait in Auckland till he hears how the Opotiki will act.

"Please to let him know as soon as possible, in case he should come by next trip of the 'Eclipse.'

"The intention of the 'Pai Marire' is to do all they can to raise the people on this coast as far as Turanga, and then return in great force on Maketu and Tauranga."

EXTRACT from LETTER from the CIVIL COMMISSIONER, Tauranga, to the Honourable the NATIVE MINISTER, dated 7th March 1865.

"THE fanatics are going down the coast, carrying everything before them. It is said that Turanga is their destination. Fears are entertained for the safety of the Europeans along the coast."

EXTRACT from a LETTER from the CIVIL COMMISSIONER, Maketu, to the Honourable the NATIVE MINISTER, dated 15th March 1865.

"I HAVE also to report that letters have been received here from the inland tribes at Te Rotoiti, Rotorua, and Tarawera, expressing similar sentiments, and that the Arawa appear unanimous in offering their services to the Government to assist in carrying out any active measures which may be adopted for the suppression of rebellion or inflicting punishment upon the perpetrators of the diabolical murder recently committed at Opotiki."

EXTRACT from LETTER from the MAKETU CHIEFS to the CIVIL COMMISSIONER, Maketu, dated 18th March 1865.

"If the Arawa are ordered to go, let troops be sent to take care of the women and children, and the whole district."

From the Committee of Maketu.

(Signed) TAIHORANGI, REWI TEREANUKU,
TAIAPO, WATE TARANINI,
HAERE HUKA, TE POKIHA,
ROTO RANGIHORO, and eight others.

EXTRACT from a LETTER from the CIVIL COMMISSIONER, Maketu, to the Honourable the NATIVE MINISTER, dated 22nd March 1865.

"I BEG to request the serious attention of the Government to the present position of our allies, the Arawa tribes, as indicated in the enclosed report. From information derived from various sources, I am satisfied that an attack upon them is contemplated, and they look to the Government to furnish them with the means of defence."

EXTRACTS from REPORT by the RESIDENT MAGISTRATE, Rotorua, addressed to the CIVIL COMMISSIONER, Maketu.

"THE Natives inland have built and fortified six pas, and if supplied with arms would be able to protect themselves against any hostile attack, unless made by overwhelming numbers. They are kept in constant state of alarm by reports of the Waikato and other tribes coming to punish them for arresting Hori Tupaea and his party.

"The present state of Puhirua is an additional reason why the friendly Natives should be supplied with arms.

"This place, situated within this district, is exclusively occupied by votaries of the new religion.

"On Sunday week the Rev. Mr. Spencer, in endeavouring to pass through this place on his professional duties, was ordered to return on pain of being arrested if he persevered.

"There are letters and messages of mutual recrimination constantly passing between them and the friendly Natives. This place is also becoming a sort of asylum for those who have made themselves amenable to the law, and from all these circumstances it is impossible to say when a collision may take place."

EXTRACT from the CIVIL COMMISSIONER'S REPORT, dated 21st April 1865.

"I HAVE the honour to forward for your information an original letter, received by me from the Resident Magistrate at Rotorua, respecting the state of affairs in the inland portion of the Bay of Plenty district at the date of his communication. From later intelligence received from Tauranga, it would appear that the Arawa at Maketu and inland are expecting to be attacked; but I have received no precise information as to the position or numbers of the enemy by whom they are supposed to be threatened."

"The Hon. the Native Minister, Wellington."

EXTRACT from REPORT of the RESIDENT MAGISTRATE, Rotorua, to the CIVIL COMMISSIONER, Maketu, dated 6th April 1865.

NEW
ZEALAND.

"On the 20th ultimo a woman of the Ngatipikiao was seized, while on her way to one of their cultivations, by two men whom she supposed to be Waikatos from their accent, who, having deprived her of her garments, dismissed her with the intimation that a party was on the way to attack the people of Te Rotoiti. In consequence of her report the entire population of the district assembled at the latter place on the 21st, but no foe appeared. About the same time two of the Ohinemutu people, who had gone to Purakau, were there taken prisoners and threatened with decapitation, but were released on the remonstrance of one of the party—I believe a Waikato chief. These are the only overt acts I have heard of, and with these exceptions the district is quiet.

"The last report is, that a letter has come from Hakaraia, inviting the Puhirua people to join him in attacking Maketu instantly; that the road between this and Maketu is to be stopped after this week, and that Thomson is daily expected at Puhirua, who on his arrival is to 'let slip the dogs of war.'

"The people, when not engaged in hearing or telling some such rumours, are occupied in making or repairing war canoes for the anticipated struggle, having finished their pas."

EXTRACT from a LETTER from the Chief RANGITUKEHU to Mr. Civil Commissioner SMITH, dated 15th July 1865.

"THIS is another word. Te Mokena and the Hau Haus have had an engagement, and the Ngati-porou Queenites have been defeated by the 'Pai Marire.' Fifty of Mokena's people have been killed, and five made prisoners. The Hau Haus have lost three."

EXTRACT from a LETTER from RANGITITU to A KARAKA and others, dated 17th July 1865.

"THREE of our slain have been found—Hohepa, Eru, and Tamihana. Their heads have been cut off, their eyes scooped out and eaten, and their hearts have been taken out and eaten."

EXTRACT from a LETTER from WI KEEPA, of Tarawera, to Mr. Commissioner SMITH, dated 19th July 1865.

SUB-EXTRACT to W. KEEPA from PUKEKU.

"WE have ceased to hold our road, the Hachaenga [meaning we no longer wish to prevent its being used as a war-path], for the Hau Haus are masters here now. The breath of my nostrils is stopped, my breath can no longer pass forth to you. But it will be for you to represent our case to our Pakeha friends, to Mr. Smith and to the Governor, that something may be speedily done at Ohiwa and elsewhere. Behold us shut up in prison at this time; you must seek the means of deliverance. Enough."

MEMORANDUM of a STATEMENT made to me by TE PUHI and WI MARUKI on the 30th July 1865.

ON the 17th July the schooner "Maruiwi" sailed from Maketu for Whakatane. The "Maruiwi" belongs to the Ngatiwhakairi tribe. She went to Whakatane to take back a woman belonging to Whakatane named Pipiana, the widow of Taura, a Ngatiwhakawe chief, also to bring to Maketu a cargo of potatoes belonging to Hohaia Matatihokia, Native assessor, and others of the Ngatonu tribe, of Kapiopio, Whakatane, Te Pahi, Wi Maruki, and several Natives of the Putuwai tribe belonging to Motiti and Whakatane went in the "Maruiwi." On the arrival of the vessel at Whakatane, Te Uhi despatched a letter to Te Hura at Te-Awa-o-te-Atua, informing him that a vessel belonging to the Arawa had arrived at Whakatane. Te Hura immediately collected a party of his own tribe, Ngatirangihouhui, Ngatihakino, and Te Patutahi, and went over to Whakatane. They seized the "Maruiwi," and would have killed Te Pahi and his companions but for the intervention of Kawakura. Wepihute Pono was absent at Te Kaha when the "Maruiwi" arrived. Te Pahi and his companions were made prisoners, but the Ngaitonu took them under their protection and saved their lives.

The cutter "Kate" left Maketu for Whakatane on the 21st July. She arrived at Whakatane in the night of the 21st, and anchored outside. There were six persons on board—Captain Pringle, one European sailor, Mr. Bennett White, Mr. James Fulloon, a half-caste named Te Hareke, and a Native named Matimati, of Tauranga, son of Turere. Te Hura's party was still at Whakatane when the "Kate" arrived. The cutter anchored off Whakatane on the night of the 21st. Bennett White's son, with a companion, went off to the vessel in the night; he remained on board, and his companion returned on shore. In the morning a party of the Hura's Natives went on board the cutter in a whale-boat belonging to a party of Te Wharau Apanui, who were on a visit to Whakatane. Among them was a Native named Parakaraha. At that time it had not been decided what was to be done, and Parakaraha was told to remain on board and prevent the vessel from going away. The cutter was observed by Te Pahi from the shore to hoist her topsail, and he supposed that the information which Bennett White's son had given of the seizure of the "Maruiwi" had induced the captain to try and get away. Meanwhile, Kawakura, fearing the vessel might be seized, had sent over to the Ngatipukike, at Kapiopio, to come and prevent it. In the Hura's party there was a Native named Horomona, a Taranaki Native, one of Kereopa's party; he is one of the Pai Marire prophets. On hearing of the arrival of the "Kate," Horomona at once proposed seizing the vessel and murdering all the Pakehas. His proposal was under consideration when the whale-boat with Parakaraha was sent off. It was eventually assented to, and the whale-boat was sent off a second time, just as the Ngatipukeho arrived

NEW
ZEALAND.

in answer to Kawakura's summons. This time it took off a party of armed men, under Hemara, a Patutahi chief. Its crew went on board, and a meal of food was prepared and partaken of, during which it was arranged that at a certain signal four Natives should seize each of the Europeans. The signal was given, "porini," and the Pakehas were seized; they struggled, and it was with difficulty they were overpowered and thrown down. The captain and the sailor were first despatched—shot through the body. Bennett White's son threw himself between his father and his would-be murderers, and three times prevented shots aimed at him from taking effect. Fulloon was below in his berth. Te Hemara went into the cabin; he shook Fulloon, but he did not arouse. He took away his revolver and double-barrelled gun. Some one then fired at and struck Fulloon in the arm. He then put out his hand to reach his revolver, but it was gone. Another shot was fired at him as he lay, then a third, which was fatal. The last shot was fired by Hoani Poururu of Otamauru. After the murder of the Pakehas the vessel was taken into the river. Bennett White was allowed to go to his wife's relations. The vessel was stripped and her cargo distributed by Te Hura among the Ngatiawa. The Taranaki prophet Horomona had given orders that Bennett White's son was not to be killed, but when he tried to save his father two shots were fired at him and missed.

Te Puhi and Wi Maruki remained prisoners at Kōpiopio until last night, when, with the assistance of Hori Iunui and some of their relations of the Patuiwai, they made their escape and succeeded in reaching Ohope, where they found Apanui Kepa and others, who provided them with a canoe, in which they, five in number altogether, embarked, and arrived at Maketu this evening. Te Kepu, Apanui, and Kawa Kura told them to urge upon the Arawa the necessity of prompt action. A special message was sent to Taiapo. Te Hura has returned to his settlement at Te Matapihi, Te Awa-o-te-Atua, and the Patutahi are at Otamauru, on the river Oriui. Wepiho te Pono has gone to Opotiki to prevent the Whakatoheas from joining the Hura. He is distracted at the loss of his "tuakana," and vows vengeance upon Te Hura's party. After the vessel "Kate" was brought into the river, he went on board and demanded his brother's body, which was given up to him with the "Maruiwi" boat. The latter was used as a coffin, in which the corpse was buried. The captain and sailor were buried by the Pai Marire. 500*l.* was demanded by the Hura as a ransom for the "Maruiwi." Both the "Kate" and the "Maruiwi" were afterwards burned.

(Signed) THOS. H. SMITH,
Civil Commissioner, Bay of Plenty.

30th July 1865.

On the 17th March 1865 the Bishop of Waiapu reported to the Colonial Secretary as follows:—

"The state of the district (Waiapu) is unsettled, owing to a visit from the Pai Marire, who murdered Mr. Volkner."

On the 16th June Mr. McLean, Superintendent of the Province of Hawke's Bay, and Agent for the General Government on the East Coast, reported:—

"The unsettled state of the Natives at Poverty Bay cause the settlers there so much anxiety and alarm that they were seriously considering the propriety of leaving the district. A small party of Natives, headed by the Chief Mokena of Waiapu, hoisted the Queen's flag at Taranganui, and erected a temporary pa to defend themselves against the Hau Haus."

"The Natives under Te Mokena declared that they had no object in hoisting the flag beyond that of showing that they were subjects of Her Majesty."

On the 26th June Mr. McLean reported—"That an engagement took place at East Cape on the 11th instant between the friendly Natives and the Hau Haus. The loss of the friendly Natives was six killed and three wounded."

A friendly chief (who fought in this engagement) writes on the 19th of June asking for arms and ammunition. He says—"Let all these articles be sent—do not hesitate; for the reason the Queen Natives met their death was the want of caps, being all used in the first volley. The Queen Natives had only one box of caps amongst them. This is the reason I have written for caps to be sent, also some powder. Be sure—be quite sure these things are sent to us." "Be quick, as all the tribes below us have assembled to fight against us. It is for this reason then that we earnestly urge you to come quickly—to make all haste and come."

Another friendly chief (Mohi) writes under same date (19th June), and in reference to the same affair as Potai relates:—"The great desire of the Queen party now at Tikitiki is that soldiers may be sent to support them. My friend, haste to send in soldiers at once—this present month. Hostilities will doubtless be recommenced in a day or two, for the fortifications of both sides are close together (one opposite the other). My friend, we hope you and the Government will consider our position. Farewell, and may God protect us all. We request that prayers may be offered for our protection throughout these troubles."

On 26th June Mr. McLean wrote to the Colonial Secretary as follows:—"Referring to my letter of this day's date, &c. &c." (*Vide* copy of letter attached, No. 1.)

On the 26th July Mr. McLean reported—"I proceeded in H.M.S. 'Eclipse' to the East Cape, with the party of military settlers (50 in number) who were detached from Napier to aid the Chief Morgan (Te Mokena) against Patara and his Hau Hau confederates."

On the 5th August Mr. McLean wrote to the Colonial Secretary as follows:—"I have the honour to acquaint you that the state of the Natives at Poverty Bay is most unsatisfactory; the great majority (including several of the leading chiefs) have joined the Pai Marire faith."

Mr. McLean at the same time encloses a letter from J. W. Harris, Esq., "who (Mr. McLean says), from his long residence at Poverty Bay is in possession of reliable information on Native matters."

Mr. Harris says (23rd July)—"Our people are joining the Hau Haus as fast as possible. We are

"now in a sad minority."
"district is lost."

* * *

"You must support Morgan. If he is beaten, this

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On the 21st August Mr. McLean forwarded translation of a letter addressed by the friendly Natives of Poverty Bay to his Excellency and the General Assembly, praying for a visit of a man-of-war. (*Vide* letter attached, No. 2.)

On the 6th September Mr. McLean wrote—"The European settlers and friendly Natives at Poverty Bay have applied for assistance, and it is highly necessary that this should be afforded them as soon as possible. It would, in my opinion, be most impolitic to remove the settlers, or to abandon the friendly Natives of that place, who are in a minority, and who, if deserted, would receive no mercy at the hands of the Hau Haus."

On the 12th December Mr. McLean sent to the Government a copy of the following letter from Captain Biggs of the Napier Volunteers, reporting the state of affairs at Poverty Bay:—

SIR,

Turanganui, November 6, 1865.

I HAVE the honour to report to you the information I was able to obtain at Turanganui from the most reliable sources.

On Thursday evening and Friday last the Hau Haus commenced plundering the houses of the settlers at Makaraka, which they had been forced to abandon.

Mr. Wylie's house was pulled down for the purpose of making bullets, it being zinc; and the fence on the Government land was burnt.

The Hau Hau declares that if the above will not induce the white men and friendly Natives to commence fighting, they shall murder the first European or Maori who may be on their side the river.

Besides what I have mentioned, the Hau Hau have killed a considerable quantity of stock, and driven some 1,500 sheep inland. They threaten to destroy the Bishop's house, buildings, &c.

The fanatics have built four strong pas, and are now engaged in throwing up an earthwork on the top of an isolated hill about a mile in rear of one of their pas, where, if they are beaten out of their other pas, they will make a stand.

The number of fighting men on the enemy's side muster about six hundred, but they are indifferently armed. The friendly Natives number but few. Hirini has but eighty men, some of which are old men scarcely fit to bear arms. Paratene has about forty; but, though he himself is perfectly loyal, his men are not to be trusted, as they keep up constant communication with the Hau Hau.

Henare Potae has fifty men with him, who are, of course, thoroughly good men, and can be relied on.

The whole aspect of affairs here looks as serious as it possibly can.

The Hau Hau have destroyed houses, plundered others, killed stock, fought against us at Waiapu, attacked Henare Potae's pa, when it was supposed by them that there were only a few old men, women, and children remaining in it.

Tareha, soon after his arrival here, proceeded to Orakaiaapu for the purpose of seeing Raharuhi; and, from the letter I enclose, you will see that the latter has agreed, as far as he himself is concerned, to take the oath of allegiance.

This chief has, I find, but little influence with his people (Anaru Matiti being able to do what he likes with them), and has for some time past been wishing for a favourable opportunity to occur by which he might escape from the position he has placed himself in.

There is but one course to pursue, *i.e.*, an unconditional surrender, which, in my opinion, cannot be effected but by reinforcements coming here immediately, in which case it might be possible to obtain it without a blow being struck. Unless they see a strong force concentrated here, and also that we are prepared for any emergency, I much fear all negotiations with them will fail.

I have, &c.

His Honour D. McLean,
Superintendent, Napier.

(Signed) REGINALD NEWTON BIGGS.

No. 1.

COPY of LETTER from Mr. McLEAN, dated Napier, 26th June 1865.

SIR,

Napier, June 26, 1865.

REFERRING to my letter of this day's date, reporting an engagement at the East Cape, I have the honour to recommend that the friendly Natives should be well supported by the Government, and I think it would be most advisable to create a diversion in their favour by the occupation of Opotiki, and by reinforcing them with 50 or 100 Volunteers.

In number the Government Natives are about 500 strong; their opponents, including the Natives north of Hick's Bay to Whakatane, would be much more than this number, without including the disaffected tribes at Poverty Bay, 300 of whom would be likely to join against the Government Natives.

The war now commenced on the East Coast requires to be pursued vigorously to bring it to a speedy and favourable termination.

The friendly Natives are in good spirits, and if well supported will do great service to the country, and I trust the applications made by them to the Government for assistance will be favourably entertained.

I have, &c.

The Hon. the Colonial Secretary, Wellington.

(Signed) DONALD McLEAN.

COPY of LETTER from FRIENDLY NATIVES to his EXCELLENCY the GOVERNOR and the GENERAL ASSEMBLY.

To his Excellency the Governor:

Tauranga, August 5, 1865.

To the General Assembly at this time assembled at Wellington.

Greeting you—This is to show you, and also that you may know the state of our residence here in this portion of our Island. We are driven out of breath by the overbearing works of the Hau Haus—through the greater number of the men of this place having joined the Hau Haus. At the present there are but few of us who are sticking to the Government.

The great talk of the Hau Haus now is, "That they are about to raise the Island," that is, the Europeans will be put out of sight by them.* They are constantly throwing out threats to us, the loyal Maoris, to compel us to join them.† This is what they say, "Do you make haste and join us, because that when the day arrives that the head of my weapon shall be raised I will not look about whether it be friends, or children, or fathers, or brothers—all shall be cut off."

These are the reasons that cause them to boast at the present time—first, with respect to the fighting at Waiapu; the long absence of the supports for Mokena and his friends. They also say that Te Ua fell in all the soldiers‡ to turn § to him, by which means an attack on this place § would not be effectual.

Another reason is the death of Mr. Volkner, minister, who was murdered at Opotiki, has not been revenged up to the present time. They say that it is given up, and no notice will be taken of it. We answer proverbially, "Leave it there, let it lie, it is a party of old folks crawling along, says "Pararaki."||

Another thing is the remitting manner in which the fighting in this Island has been carried on; they say it is on account of the excessive loss of the soldiers that engagements have not been repeated oftener in the past engagements.

Nevertheless, friends, we still have knowledge that you yet hold goodwill towards us, we therefore request that you will consent (direct) to the men-of-war which traverse these seas that they may turn in here and visit us, and afterwards proceed on their respective voyages. From

TAMIHANA RUATAPU,
RUTENE AHUNUKU,
HAPE KIUHA,
WI HARONGA.

F. E. Hamlin, Interpreter.

SIR,

Colonial Defence Office, Wellington, September 4, 1865.

I HAVE the honour to give you the following instructions for your guidance in the command of the force about to be sent to the East Coast; but, in the first place, it is necessary that I should inform you that the object the Government have in view is, the apprehension of the murderers of the Rev. Mr. Volkner, Mr. Fulloon, and other persons; and their desire that this should, if possible, be accomplished without bloodshed.

Upon leaving Wellington you will proceed with all despatch to Hick's Bay, where you will find or be joined by H.M.S. "Brisk," Captain Hope. You will, upon arrival there, immediately communicate with Captain Hope, who will make all the necessary arrangements for landing the force, and under whose orders you will be until the landing has been effected. Should you not find H.M.S. "Brisk" at Hick's Bay, you must use your own discretion as to going on and landing your force without his assistance.

As there is every reason to believe that many of the murderers are at present living at Opotiki, in a place that can be easily surrounded, the Government are of opinion that the landing should be effected there, and that it will probably be found expedient that it should take place during the night, with the view of seizing the murderers without allowing them the opportunity of resistance. This, however, is a point that must be left to the decision of Captain Hope.

If you should be attacked either upon landing or afterwards, you will act according to the best of your judgment; but no opportunity should in that case be lost of inflicting summary and effectual punishment upon the attacking force.

Should you succeed in landing and establishing yourself without opposition, you will at once summon the tribe to surrender the murderers within a given time. If they do this, you will abstain from all active operations, and await further orders from me.

Upon landing at Opotiki, or as soon after as possible, you will communicate with the chiefs of the loyal Arawa tribe, with a view of arranging, if necessary, a combined plan of action for the apprehension of the murderers.

You will receive special instructions in another letter as to what steps you are to take should you succeed in capturing any of the murderers; all other prisoners you will retain in your custody until further orders are sent for their disposal.

You will be careful to send me a full report of your proceedings by every opportunity.

I have, &c.

Major Brassey, Commanding East Coast Expeditionary Force, Wellington. (Signed) H. A. ATKINSON.

* Annihilated.

† Native.

‡ Under his command.

§ Island.

|| An old forefather.

E.

Mr. FULLOON to the Hon. the MINISTER for COLONIAL DEFENCE.

SIR,

Auckland, June 7, 1865.

I HAVE the honour to submit for your consideration that instead of my proceeding to Wellington I should be permitted to proceed to Whakatane for the purpose of checking the spread, and, if possible, suppressing Pai Marireism, and also of observing the Opotiki Natives, &c.

I would also suggest for the consideration of the Government the advisability of interdicting all trade or commerce in the Bay of Plenty—say from Waihi to Cape Runaway.

As the Natives have or are now gathering in their crops of maize, wheat, and potatoes, and are very badly off for clothing, &c., and the cold winter season is now rapidly setting in, and so by interdicting all trade would sooner bring them to their senses than anything else that could be done just now. It would also, in a great measure, affect the Pai Marires.

The Hon. the Minister for Colonial Defence, Auckland.

I have, &c.
(Signed) JAMES FULLOON.

MEMORANDUM by the UNDER SECRETARY for COLONIAL DEFENCE.

Mr. Fulloon was authorized verbally by the Hon. the Defence Minister to proceed to Whakatane, on his way to Wellington, as suggested by him in this letter.

J. HOLT,
Under Secretary for Colonial Defence.

Mr. FULLOON to the Hon. the MINISTER for COLONIAL DEFENCE.

SIR,

Tauranga, July 17, 1865.

I HAVE the honour to report for your information that I leave this for Whakatane to-morrow. I have not been able to do so before from the inclemency of the weather.

The news from the East Coast are that Dr. Agassiz and about thirty of the Opotiki Natives have left that place, and have gone to reside at Opape, the eastern boundary of Te Whakauhia; they have separated themselves from the others.

Eparaima (the half-caste) has been compelled to leave Te Awanui, and is now at Opotiki. The Whakawheas are not in the least fortifying Opotiki. They hung two pigs at Ohiwa in effigy of his Excellency and Lieutenant-General Sir Duncan A. Cameron.

There is great mortality amongst the Natives on the East Coast, as many as 25 died in one day at one settlement.

As soon as I return from Whakatane I shall immediately proceed to Wellington.

The Hon. the Minister for Colonial
Defence, Wellington.

I have, &c.
(Signed) JAMES FULLOON.

F.

MY DEAR SIR GEORGE GREY,

New Plymouth, New Zealand,
August 2, 1865.

IN my endeavour to answer candidly and in a friendly spirit certain questions addressed to me in a private or semi-official letter (dated Auckland, 1st July 1865) from Lieut.-General Sir D. A. Cameron, prior to his departure from this country, I have unfortunately exceeded my object, and he has arrived at a conclusion so entirely at variance with that I intended to convey, that I feel it is due to your Excellency and the Colonial Ministers, as well as to myself, to request you will do me the favour to make known to the authorities at home, to whom Sir Duncan Cameron intends to refer the question, how far he is justified in making the following remarks, viz. :—

“ Auckland, July 26, 1865.

“ It was not without good reason that I asked you the questions contained in my letter of the 1st July, and I fully expected to find what you admit, that you have been in the constant habit of giving your opinions to the Governor and the Colonial Ministers freely on military operations and military subjects of every kind without my knowledge. I can hardly believe that your conduct will be approved of by the authorities at home.”

The admissions contained in my letter to Sir Duncan Cameron were confined to the expression of my opinions, privately, on all subjects connected with the Native insurrection, and in replying to questions verbally on any subjects that your Excellency or your Ministers while resident in Taranaki may have put to me.

I appeal to your Excellency whether I ever presumed to offer such opinions as “ advice,” or whether I ever originated or suggested any military operations opposed to the known wishes or views of the late Lieut.-General commanding.

His Excellency Sir George Grey, K.C.B.

I have, &c.
(Signed) H. J. WARRE, Colonel.

MEMORANDUM by Mr. PARRIS for his EXCELLENCY the GOVERNOR.

A native named Hemi Warena, from Rangitikei, arrived this day at the camp before Weraroa, with information that Natives of the under-mentioned tribes had gone from the south by way of Upper Wanganui to reinforce the Weraroa Pa :—

Ngatiraukawas	-	-	-	-	-	100
Ngatiwhakateres	-	-	-	-	-	20
Ngatikauwhatas	-	-	-	-	-	60
Moaapokos	-	-	-	-	-	3
Ngatipikiaas	-	-	-	-	-	30
Ngatirangataes	-	-	-	-	-	20
Ngatikahungunus	-	-	-	-	-	30
Total	-	-	-	-	-	263

July 21st, 1865.

No. 20.

No. 20.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 3.)

Government House, Wellington, January 2, 1866.

SIR,

(Received March 16, 1866.)

In my Despatch, No. 108,* of the 4th of August last I had the honour to transmit for your information, at the request of my Responsible Advisers, a Memorandum from General Cameron dated the 26th of July last, together with their remarks upon it, and I stated that it was my intention by the succeeding mail to make my own remarks upon that Memorandum.

2. In your Despatch, No. 86,† of the 26th of October last, you express your disappointment at my intending to pursue this course, as you could have wished that with General Cameron's departure from New Zealand it had been possible to close this painful subject.

3. It is with great pleasure I thus learn how entirely my sentiments have been in accord with your own upon this point. The moment I found that General Cameron had really quitted Australia on his way home, I took no further notice of his Memorandum, and did not trouble you upon the subject, as I had proposed to do, and it is with great regret that the letters he has written to Her Majesty's Government, which have been forwarded to me, have forced me into any further correspondence in relation to General Cameron.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 21.

No. 21.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 4.)

Government House, Wellington, January 4, 1866.

(Received March 16, 1866.)

(Answered No. 37, March 26, 1866, p. 118.)

SIR,

In my Despatch, No. 3,‡ of the 5th of January 1865 I transmitted a petition to Her most Gracious Majesty from the Provincial Council of the Province of Auckland, praying that in the northern portion of the Northern Island of New Zealand such a Government shall be constituted as would enable Her Majesty's Imperial Government to exercise such a control over native affairs until a cordial good feeling between the races should have been restored as would enable it to secure the fulfilment of the treaty obligations undertaken by Her Majesty, and promote the good government of Her Majesty's subjects, both Native and European.

2. In the same Despatch I stated that I would at a future date report on that petition, but in the meantime I thought it right to say that I thought that unless some such arrangement as that proposed in the petition was carried out, it would be difficult to bring to a satisfactory termination the difficulties prevailing in that province.

3. In my Despatch, No. 26, of the 7th February I informed you that my Responsible Advisers had asked me to reserve my report on the petition until I had first received remarks which they wished to make upon it.

* Vide Papers
presented Feb.
1866, page 265.

† Ibid, page 251.

‡ Vide Papers
presented 6th
April 1865,
page 5.

4. Subsequently I found that the matter had become one which had excited very strong political feelings, and that Her Majesty's Government and my Responsible Advisers had adopted views opposite to those which I held on the subject. I thought it therefore my duty to refrain from doing anything which might tend to embarrass either Her Majesty's Government or the Colonial Government, and I did not forward the report which I had proposed to make.

5. In your Despatch, No. 50, of the 26th July last, you informed me that you inferred from not receiving that report that I had changed my opinion, and concurred in the views of my then Responsible Advisers.

6. I think it right therefore to state that nothing which has yet taken place has led me to alter the opinion which I expressed in my Despatch, No. 3, of the 5th of January 1865.

7. The opinion I hold is based upon the necessity of strong, instantly acting, and entirely impartial Government in a case in which a European race and a powerful and jealous semi-barbarous race are mingling together. A country so circumstanced requires more government than a country in which an ordinary state of things prevail. I think that with such a Government the happiness and peace of both races in the province of Auckland might be shortly ensured, and that the present anomalous state of things would soon cease to exist there. I fear that without some such arrangement as is proposed is carried out a long time of difficulty and trial lies before the northern part of this Island, which I should naturally regret to see it subjected to, because I believe it to be unnecessary. A few years since I thought the various questions outstanding between the two races would have been adjusted much more speedily than has been the case.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

No. 22.

No. 22.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 6.)

Government House, Wellington, January 8, 1866.

(Received March 16, 1866.)

(Answered No. 32, March 26, 1866, page 114.)

SIR,

I HAVE the honour to enclose for your information a copy of a Memorandum which my Responsible Advisers have requested me to forward to you, and which they prepared in reference to that part of your Despatch, No. 86*, of the 26th of October last, which relates to the appropriations made by the Colony on account of the Imperial forces and to the subject of advances made from the Treasury chest.

Memorandum
by Mr. Stafford,
8th Jan. 1866.

* Vide Papers
presented
Feb. 1866,
page 251.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 22.

MEMORANDUM.

Encl. in No. 22.

HIS EXCELLENCY the GOVERNOR.

HIS Excellency's Ministers desire to submit some observations on those portions of Mr. Cardwell's Despatch, No. 86, of the 26th October last, which refer to the question of an appropriation by the Colony on account of the Imperial troops, and to the repayment of advances made from the military chest.

In this Despatch, as in others which have preceded it, many considerations which affect the question have been omitted. It appears desirable therefore, and indeed necessary to a full comprehension of the subject, that Ministers should review the different circumstances bearing upon it.

The question of a contribution by the Colony to the cost of Imperial troops stationed in New Zealand was first settled, after considerable correspondence, by the Despatch signed by Sir G. Cornwall Lewis (for the Duke of Newcastle), No. 65, of the 12th September 1860.

In that Despatch Her Majesty's Government waives certain pecuniary claims, and prefers "reverting to the proposals made by your Advisers, and rendering these proposals the basis of a settlement both for the past and the future." It is further stated in that Despatch that "from and after the 1st of April 1858 Her Majesty's Government accepts the proposal made by the Colonial Government of a contribution at the rate of five pounds per man for the troops employed in New Zealand, this concession being understood to include the entire force of officers and men." And again, "In the

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“ present measure Her Majesty’s Government do not confine their view to barracks, but are willing to treat the intended subsidy as the general contribution of the Colony towards the expenses of the Queen’s forces supplied for its defence. It must be understood, however, that the arrangement will be open to reconsideration hereafter, and it may be proper to remind you, in case any objection should be raised to the present plan, that the rate of contribution is far less than in the Australian Colonies.”

In a Memorandum dated 29th November 1860, on that Despatch, Mr. Stafford, then First Minister in New Zealand, states:—“ This Despatch settles the question hitherto discussed between the Imperial and Colonial Governments as to the liability of the Colony for a share of the cost of the military expenditure;” and further, “ Ministers accept the interpretation put on their proposal, as expressed in the last paragraph of this Despatch, viz.: ‘ That the intended subsidy of 5*l.* per man is to be treated as the general contribution of the Colony towards the expenses of the Queen’s troops supplied for its defence.’ ”

On the 6th September 1861 the House of Representatives ratified this arrangement by concurring in the resolution of the Committee of Supply: “ That this Committee recommend the confirmation of the arrangement entered into between the Imperial and Colonial Governments, as defined in Mr. Stafford’s Minute of the 3rd September 1858 and the Duke of Newcastle’s Despatch of the 12th September 1860, which limits the contribution of the Colony towards the cost of maintaining the Imperial troops to the sum of 5*l.* per head for all the troops employed in the Colony.”

In a Despatch of the Duke of Newcastle, No. 53, 26th May 1862, his Grace, in consideration of the difficulties of the Colony, and in compliance with the Governor’s advice, stated that Her Majesty’s Government was prepared, under certain conditions, to reckon as military contribution all sums shown to be expended in a manner approved by the Governor on Native Government or other purely native objects in excess of 26,000*l.*

In September 1862, after the receipt of this last Despatch, the General Assembly passed the “ Native Purposes Appropriation Act, 1862,” which granted, from the 30th June 1862 to the 30th day of June 1865, a contribution of 5*l.* a head towards the expenses of the Queen’s forces supplied for the defence of the Colony, and also the yearly sum of 19,000*l.* (in addition to 7,000*l.* for Native purposes in the Civil List, 1858) “ to be expended for native purposes in such manner as the Governor shall direct.”

In commenting on this Act the Duke of Newcastle, in his Despatch, No. 23, of the 26th February, observes with pleasure that the Native Appropriation Act appropriates to Native purposes 7,000*l.* more than the minimum expenditure required by the Imperial Government,” and he suggests some technical alterations in the wording of the Act, which the Legislature forthwith agreed to.

On the 19th of August 1862 the House of Representatives resolved, “ That in the opinion of this House the relations between his Excellency the Governor and his Responsible Advisers should rest upon the following basis:—

“ That Ministers should, in conformity with the Royal instructions, advise the Governor in Native affairs (as well as in Colonial affairs) whenever his Excellency desires to obtain such advice, and should also tender such advice on all occasions of importance when they deem it their duty in the interests of the Colony to do so.

“ That Ministers should, at his Excellency’s request, undertake the administration of Native affairs, reserving to his Excellency the decision in all matters of Native policy.

“ That as the decision in all matters of Native policy is with his Excellency, the advice of Ministers shall not be held to bind the Colony to any liability, past or future, in connexion with Native affairs beyond the amount authorized or to be authorized by the House of Representatives.”

On the 6th November 1863 the House of Representatives resolved, “ That this House having had under its consideration the Despatch of Her Majesty’s Principal Secretary of State for the Colonies, dated the 26th February 1863, conveying the final determination of Her Majesty’s Imperial Government to revoke the arrangement of 1856, and for the future to require the Colonists to undertake the responsibility of the management of Native affairs, recognizes with the deepest gratitude the great interest which Her most Gracious Majesty has always taken in the welfare of all races of Her Colonial subjects, and the thoroughly efficient aid which Her Majesty’s Imperial Government is now affording for the suppression of the rebellion unhappily existing, and the establishment of law and order in the Colony.

“ And relying on the cordial co-operation of the Imperial Government for the future, cheerfully accepts the responsibility thus placed upon the Colonists, and at the same time records its firm determination to use its best endeavours to secure a sound and lasting peace, to do justice impartially to both races of Her Majesty’s subjects, and to promote the civilization and welfare of all classes of the inhabitants of these islands.”

In the interval between those two dates, the 19th August 1862 and the 6th November 1863, during which the General Assembly being in recess had no opportunity of giving its opinion in the matter, the Imperial force stationed in the Colony was doubled, a wide-spread insurrection of the Natives had taken place, and a military campaign had been actively entered into, the result of which has already involved the Colony in an expenditure for military purposes of between three and four million pounds sterling. A very large proportion of this expenditure was gratuitously incurred by the Colony in furnishing a most costly steam transport to enable the Commissariat to supply the Imperial troops in the Waikato, who must otherwise have been supplied at the cost of the British Treasury. The Colony also lent to the Imperial transport service numbers of the men raised and paid by it (at one time nearly 1,500 men), and has maintained to the present time a very large naval force employed in operations which would otherwise have to be paid for from the Imperial Treasury chest, which has been correspondingly relieved.

The above, amongst many others, are instances, if such were wanting, of the very liberal—indeed almost unrestricted—manner in which the Colony has spent its money in contributing towards the maintenance of the Imperial troops.

In May 1864 a negotiation was initiated between the Secretary of State (Mr. Cardwell) and the Colonial Treasurer of New Zealand, then in England, with respect to obtaining an Imperial guarantee to the loan of 3,000,000*l.*, which the Colony required to raise to enable it to meet the expenses referred to above, which would otherwise have fallen on the Imperial Treasury. Out of this negotiation has arisen the present Imperial claim for a Colonial contribution of 40*l.* a head for infantry soldiers, and 55*l.* a head for artillerymen stationed in the Colony.

If a careful consideration is given to the origin and growth of this claim, Ministers cannot believe that it will be maintained.

In the letter of Sir Frederic Rogers to the Colonial Treasurer, dated the 26th May 1864, the following passages occur :—

“I am directed to observe that Mr. Cardwell makes this offer to you as the Finance Minister of New Zealand, in the confident expectation and belief that the recent successes of the Queen’s forces and of the Colonial Militia and Volunteers will have placed in the Governor’s hands the power of securing a just and permanent peace, and that his own disposition and the instructions which have been addressed to him from this department will ensure his using that power for the early termination of the war. It is only under this conviction that the Secretary of State can undertake to submit this proposal to Parliament.

“Her Majesty’s Government feel themselves imperatively called upon to provide that if, under the New Zealand Government to whom in ordinary times the management of Native affairs now almost exclusively belongs, the Colony shall again be involved in a civil war, the whole expense of the troops engaged in that war shall not fall upon the mother country.”

Again :—

“These measures they (the Imperial Government) regard as just measures of security against the risk of war being incurred by Colonial policy, while the principal expenses would fall to be discharged, not by the Colonial, but by the Imperial Treasury.”

In the reply to this letter the Colonial Treasurer states, on the 28th May 1864, while he expresses his own concurrence in the proposals :—

“I cannot, however, disguise from you the fact that I possess no powers from the General Assembly which will enable me definitely to conclude any arrangement with Her Majesty’s Government in reference to military expenditure which will not require confirmation and ratification by the New Zealand Parliament.”

In evidence that in proposing the increased contribution Her Majesty’s Government proceeded on the assumption that the war in New Zealand would be closed before the 1st of January 1865, the date of the proposed commencement of the increased payment, Ministers refer to the following quotations from Hansard’s Debates of 1864. Mr. Cardwell on the 26th April stated as follows :—

“Reference has been made by my honourable friend to the vast expense incurred by this country in conducting the war. Hitherto the arrangement between this country and New Zealand has been that only nominal contribution has been made by the Colonists towards the support of the forces employed for their defence ; but hereafter, when the policy of New Zealand chances to entail a war, and she applies for assistance to the mother country, substantial, and not nominal, contributions will be exacted from the Colonial resources.”

On the same day, in reply to Lord Robert Cecil as to another part of his speech, Mr. Cardwell observes :—

“I am speaking upon a certain hypothesis which may not turn out true, namely, that the war is at an end before this time. The last accounts lead us to believe that the war in all probability is concluded by this time.”

Again, on the 14th July 1864 Mr. Cardwell states :—

“One condition in the new proposal was that this arrangement (5*l.* contribution) should be put an end to at the close of the current year, and that an actual payment of a substantial amount should be made. This payment would not only yield a considerable sum to the Imperial Treasury, but it would have a value far beyond its pecuniary amount, because it would place the Colony, as it were, under bail that it would for the future so regulate its policy that there should be no further occasion to send for British troops to protect the lives and property of the Colonists.”

A perusal of these debates also fully shows that the required payment of the increased contribution was a *quid pro quo* in return for the Imperial guarantee, in fact, part of the price which the Colony was to pay for that guarantee, should it desire to avail itself of it.

So much so was that the case that the payment in question was made one of the conditions of the acceptance of such guarantee, and inserted as such in the Imperial Guarantee Act, the Act itself being so framed as expressly to require the action of the New Zealand Legislature before it could take effect.

On the 10th of December 1864 the House of Representatives declined to accept the Imperial guarantee, and passed a resolution to that effect. The resolution was communicated through the Governor to the Home Government in a Memorandum, dated 3rd January 1865, of the Colonial Ministers, who therein explicitly state that if the terms (as regards the contribution to the troops) imposed by the Imperial Government should be insisted on, the Colony would be wholly unable to bear the burden, and that financial ruin will be the result.

On the 23rd March 1865 Ministers transmitted through the Governor half a million of Colonial debentures, bearing interest at four per cent., to the Lords of the Treasury, in order to repay the debt claimed from the Colony by the Imperial Government, and contemplated to be repaid out of monies

to be raised under the Imperial guarantee, which, as has been stated above, the Colony did not accept. These debentures have been accepted by the Home Government, and interest on account of them is in course of payment by the Colony.

The order to the Crown agents for the issue of these debentures to the Lords of Her Majesty's Treasury was accompanied by a Memorandum by Ministers to the Governor, of which the following is an extract:—

“The arrangement contemplated by the late Colonial Treasurer, Mr. Reader Wood, was founded on a supposed guarantee to be given by the Imperial Government for a loan for one million sterling at four per cent., out of which sum somewhat less than 500,000*l.* was to be retained by the Imperial Government to liquidate the claims on the Colony.”

The exact terms of the arrangement as proposed by Sir F. Rogers to Mr. Reader Wood were,—
“That the original guarantee be extended from half a million to one million, of which probably rather
“less than half will be paid into the Imperial Treasury, and the remainder will be applicable to the
“purposes of the Colony.”

If, therefore, the Imperial Government had been pleased to comply with the request in the Memorandum above referred to, to “cover the debentures with a guarantee, and realize them in the English “money market,” it would have done less than was offered by Sir F. Rogers, while beyond all doubt it would have realized more than the 500,000*l.* in cash, as is shown by the letter of the Crown agents to the Colonial Office, dated 26th June 1864. It is submitted, therefore, that the debt claimed by the Imperial Government ought to be regarded as almost or quite extinguished up to August last.

On the 11th July 1865 the Colonial Ministry, through his Excellency, again communicated to the Home Government on the subject of the increased rate of payment for the Imperial troops in New Zealand. They remind the Imperial Government that on the 30th December 1864 they had submitted to it, “that it was absolutely impossible for the Colony to increase the heavy war expenditure “that already menaced New Zealand with financial ruin;” and they fully state the reasons which render them “unable to recommend to the Colonial Parliament an appropriation for the payment per “annum of 40*l.* per head for Imperial Government forces now in the Colony, as claimed by the “Imperial Government.”

The expense of the active military operations, conducted by Her Majesty's Colonial forces at the sole cost of the Colony, has imposed an enormous pressure, which has weighed for some time past, and will long continue to weigh, on Colonial resources. In the efforts recently and still being made on the east coast for the purpose of suppressing atrocious outrages and of securing peace, the expenditure on this object alone of Colonial funds in relief of what would have been a corresponding charge on the Imperial chest, is going on at the rate of upwards of 10,000*l.* sterling a month; nor have the efforts which the Colony has made been confined to money payments alone, for in addition to the forces, European and Native, which it has regularly enrolled and paid, a large proportion of the population of the Northern Island, embracing all ages from 16 to 55, has been called out for active service; even youths of 16 have died in the field. These exertions, made by an infant Colony, might well claim encouragement and assistance instead of being met by a demand for additional contributions towards the maintenance of Imperial troops when the Colony is exhausted by a long war, still unfinished, for the origin and long continuance of which the Imperial Government cannot be considered exempt, as indeed was admitted by the present Chancellor of the Exchequer in the debate on the New Zealand Guarantee Act on the 14th July 1864 (*see* Hansard's Debates).

Mr. Cardwell's hypothesis that the war in New Zealand might have ceased on the 1st of January 1865, the date on which the increased rate of contribution was to commence, has been contrary to fact. The Taranaki and the Ngatiruanui tribes have for many years committed increasing outrages, and throughout maintained an attitude of armed rebellion; and General Cameron was so sensible of the absolute necessity before any peace could be established of inflicting signal punishment on these tribes that he urged at an Executive Council of which he was a member, as stated in his letter to the Governor of the 15th April 1861, that he should be allowed to commence a campaign against them. Since that date the murder of the officers and men of the 57th Regiment near New Plymouth, and many subsequent murders have been committed by those Natives whose country has so long been the focus of sedition and fanaticism. The Imperial and Colonial Governments have alike coincided in the belief that they must summarily be chastised. The campaign in the Waikato was ancillary to that end. More recently also the rise and spread of the Hau Hau fanaticism has been accompanied by a series of murders of a most aggravated character, both on the east and west coasts, which if unpunished would speedily render the greater part of the north island uninhabitable.

An important point in the consideration of this question of contribution requires also to be borne in mind. The military estimates of expenditure have not, as it is understood they are required to be, been submitted to the Governor. They have been carried out on a scale of, what is considered in the Colony, unnecessary magnitude, and the Colony, whose military expenditure has thereby been proportionately increased, has been deprived of the means of exercising that economy in military campaigns which would have taken place had those campaigns been of less extensive proportions and more adapted to the attainment of decisive results.

An attentive consideration of the foregoing summary of facts will, it is submitted, lead to the following conclusions:—

1. That the original contribution of 5*l.* a head towards the expenses of Imperial troops stationed in New Zealand was definitively settled, after mature deliberation, as a fair contribution in a time of peace, when the Colony was of course best enabled to make it.

2. That that arrangement was confirmed by the New Zealand Legislature, which at the same time placed a sum of 50,000*l.* a year for three years at the absolute disposal of the Governor for Native purposes, never contemplating that such an arrangement should be suddenly disturbed by one of the

parties to it, and an increased contribution of eight hundred per cent. be demanded from the Colony when the Imperial garrison was doubled and when civil war was raging.

3. That the Colonial Legislature, when making every effort in November 1863 to contribute on the part of the Colony so large a share of the cost of the hostilities which had existed for some months, never anticipated such a change in the existing arrangement nor such increased demands on the part of the Imperial Government.

4. That the proposal by the Imperial Government of an increased contribution was evidently made on the implied assumption that the war in New Zealand would have terminated before the commencement of the increased rate, and was only intended to be a security in the possible contingency of future wars.

5. That the New Zealand war had not terminated on that date, and has not yet terminated.

6. That the proposal of the increased rate was one of the conditions of the acceptance by New Zealand of the Imperial guarantee, and expressly stated to be so in the Imperial Act.

7. That the New Zealand Legislature did not accept the Imperial guarantee on the conditions required.

8. That the debt of half a million claimed from the Colony by the Imperial Government, the payment of which was another of the conditions in question, has been defrayed by the Colony, thus showing every desire on its part to satisfy just claims even without the Imperial guarantee.

9. That the Imperial Government has repeatedly been informed that the increased rate of contribution could not be paid by the Colony, and that no obstacle has been raised by the Colonial Ministers to the removal of the troops.

10. That the Colony has incurred liabilities to the amount of between 3,000,000*l.* and 4,000,000*l.* sterling in its military defence since June 1863.

11. That the Governor has, in violation of instructions, been precluded from exercising the slightest control over a vast military expenditure of Imperial funds, on which in a great measure hinged the amount of a similar expenditure of Colonial funds.

12. That for the last 12 months active operations have been and are now being conducted by the Colony at its sole expense and with its own forces, which obviate the necessity of charges on Imperial funds.

13. That under these circumstances the requirement of the increased rate of contribution ought not to be made on any ground of good faith or of justice; and should the Home Government arbitrarily insist upon it, it will undoubtedly hereafter be a matter of regret that a great country should have so treated a helpless dependency, already weakened by the efforts it has made and is making for its military defence.

Returns are appended which illustrate the financial position of the Colony.

Wellington, 8th January 1866.

(Signed) E. W. STAFFORD.

Sub-Enclosures.—No. 1.

STATEMENT showing the REVENUE of the COLONY of NEW ZEALAND for the last Financial Year,
1st July 1864 to 30th June 1865.

Ordinary revenue of the Colony from all sources	-	-	£738,720	14	3
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N.B.—The difference between the revenue and the expenditure is made up from the three million loan.

Treasury, Wellington,
January 4, 1866.

(Signed) J. WOODWARD,
Assistant Treasurer.

No. 2.

STATEMENT showing the estimated EXPENDITURE on account of the current Financial Year.

	£	s.	d.
Civil list	-	-	27,500 0 0
Permanent charges under Acts of the General Assembly	-	-	12,583 6 8
Interest and sinking funds on permanent debts of the Colony	-	-	207,350 19 6
Expenses of Civil Government	£370,690	0 0	
Expenses connected with the Native Insurrection	416,393	4 0	
	<u>£787,083</u>	<u>4 0</u>	
Amount required to meet liabilities already incurred for arrears of postal subsidy, lighthouses, and telegraphs	-	-	87,000 0 0
	<u>£1,121,517</u>	<u>10 2</u>	

Treasury, Wellington,
January 4, 1866.

(Signed) J. WOODWARD,
Assistant Treasurer.

No. 3.

STATEMENT showing the AMOUNT paid as INTEREST on ADVANCES in anticipation of Revenue, to enable the Colony to meet its Engagements.

	£	s.	d.
Amount paid during year 1863-4	-	-	6,832 15 9
Amount paid during year 1864-5	-	-	28,618 4 3
Amount paid to September 30, 1865, on account of year 1865-6	-	-	10,920 11 8
	<u>£46,371</u>	<u>11 8</u>	

Treasury, Wellington,
January 4, 1866.

(Signed) J. WOODWARD,
Assistant Treasurer.

STATEMENT showing the EXPENSES of SPECIAL STEAM TRANSPORT of COLONIAL FORCES forming the East Coast Expedition.

Charter of steamship "Storm Bird," Wanganui to Wellington, September 23, 1865	£	s.	d.
	220	0	0
Passage of 2 officers and 39 rank and file, Wellington to Napier, per "Lord Ashley," September 24	93	15	0
Passages and rations for officers and men from Wanganui to Opotiki, per "Storm Bird"	917	11	10
Do. do. do. per "Aburiri"	995	14	0
Do. do. do. per "Lady Bird"	1,224	19	8
Detention of steamers at Wanganui	840	0	0
Passages of officers and men of Forest Rangers, per "Wanganui" to Wanganui	60	13	0
Charter of "Storm Bird," Napier to Wellington, November 22	760	0	0
Rations for men while on board "Storm Bird"	51	9	6
Detention of steamer	80	0	0
	£5,244	3	0

Treasury, Wellington,
January 4, 1866.(Signed) J. WOODWARD,
Assistant Treasurer.

No. 5.

RETURN of SUMS EXPENDED on account of the NATIVE INSURRECTION, between the 1st day of April 1860 and the 30th day of September 1865, together with Liabilities incurred on the same account to the present time.

Amount charged on Loan of 1860:	£	s.	d.
Expenditure in terms of Schedule to Loan Act	148,424	16	1
Amount charged on Loan of 1863:			
Colonial forces, sea and river services, block-houses, &c.	1,199,035	10	2
Payments to Imperial Government on account of troops, rations, advances, &c.	500,000	0	0
	1,699,035	10	2
Military settlers	70,526	11	7
Surveys and works in connexion with do.	183,278	11	4
Location of do. and incidental expenses of settlement	60,795	7	4
Compensation to Natives for portions of the land	6,993	10	10
	321,594	1	1
Re-instatement of Taranaki	147,312	17	0
Charges on negotiation of loan and discount on debentures	205,731	4	11
Advances to meet expenditure on account of the above:			
Colonial forces, &c. &c.	36,715	19	8
Military settlers	561	10	6
Surveys and works in connexion with do.	6,807	17	3
Location of do.	7,966	5	4
Compensation to Natives for land	5,794	0	0
Re-instatement of Taranaki	514	19	7
	58,360	12	4
Liabilities on account of the above falling due in the current year:			
Colonial forces, transport, blockhouses, &c.	300,254	11	0
Military settlers	10,500	0	0
Works in connexion with do.	5,500	0	0
	316,254	11	0
Further liabilities on the above account after expiry of current year, say	500,000	0	0
	£3,396,713	12	7

Treasury, Wellington,
January 4, 1866.(Signed) J. WOODWARD,
Assistant Treasurer.

RETURN showing the EXISTING EXPENDITURE on account of COLONIAL DEFENCE.

STATEMENT showing the EXISTING EXPENDITURE for purposes of COLONIAL DEFENCE.

Description of Force.	Districts where employed.	Numbers.	Monthly Expenditure including Forage and Rations.	Per Month.	Per Annum.	Remarks.
			£ s. d.	£ s. d.	£ s. d.	
Military Settlers -	Waikato and Tauranga - -	1,091	6,609 0 10	- - -	- - -	Pay only. Must be retained on pay for at least six months longer.
	Rations for ditto -	2,315	6,543 14 3	- - -	- - -	Including 380 women and 1,008 children, at 1s. 6d. per ration for twelve months, and half that sum for six months in addition.
	Taranaki - -	480	4,196 10 0	- - -	- - -	Pay and rations. Expected to be off pay on 31st March, and then entitled to twelve months' rations.
	White Cliffs -	146	966 14 8	- - -	- - -	Pay and rations. Expected to be off pay on 31st January, and then entitled to twelve months' rations.
	Opotiki - -	373	3,357 19 6	- - -	- - -	Ditto.
	Waiapu - -	154	1,264 14 6	- - -	- - -	Ditto.
	Women and Children at Taranaki { 51 and 114 }		132 10 6	- - -	- - -	Rations only.
	Hospitals - -		1,050 0 0	- - -	- - -	
				24,121 4 3	289,454 11 0	
Forest and Bush-rangers.	Waiapu - -	63	558 8 9	- - -	- - -	Pay and rations.
	Wanganui - -	33	336 7 0	- - -	- - -	Ditto.
				894 15 9	10,737 9 0	
Defence Force -	Auckland - -	26	210 4 2	- - -	- - -	} No rations.
	Wairarapa - -	27	370 9 0	- - -	- - -	
	Poverty Bay - -	27	354 19 4	- - -	- - -	} Pay and rations.
	Opotiki - -	53	519 15 6	- - -	- - -	
				1,455 8 0	17,464 16 0	
Volunteers -	Poverty Bay - -	53	554 9 6	- - -	- - -	Pay and rations.
	Opotiki - -	5	78 4 6	- - -	- - -	Ditto.
				632 14 0	7,592 8 0	
Native Allies -	Opotiki - -	132	1,208 8 0	- - -	- - -	Ditto.
	White Cliffs - -	104	439 11 2	- - -	- - -	Ditto.
	Wanganui - -	72	598 6 0	- - -	- - -	Ditto.
				2,246 5 2	26,955 2 0	
Friendly Natives	Waiapu - -	150	406 17 6	- - -	- - -	Rations only.
	Wanganui - -	-	357 15 0	- - -	- - -	Ditto.
				764 12 6	9,175 10 0	
Militia and Mounted Volunteers.	Taranaki - -	36	529 0 0	- - -	- - -	Pay and Rations.
				529 0 0	6,348 0 0	
Militia Staff -	Auckland - -	-	77 5 0	- - -	- - -	Included in Military Settlers.
	Taranaki - -	-	- - -	- - -	- - -	
	Wanganui - -	-	118 10 0	- - -	- - -	
	Rangitikei - -	-	48 1 0	- - -	- - -	
	Wellington - -	-	65 2 0	- - -	- - -	
	Napier - -	-	83 0 0	- - -	- - -	
	Nelson - -	-	53 10 6	- - -	- - -	
	Marlborough - -	-	41 17 0	- - -	- - -	
	Canterbury - -	-	35 13 0	- - -	- - -	
	Otago - -	-	63 1 6	- - -	- - -	
	Southland - -	-	39 9 0	- - -	- - -	
				625 9 0	7,505 8 0	
Steamers - -	"St. Kilda" - -	-	300 0 0	- - -	- - -	} Paid by Commissariat. The amount paid does not quite clear working expenses. This day (January 4, 1866) a sum of 212l. 14s. 3d. has been ordered to be paid for repairs of one of these vessels.
	"Sturt" - -	-	300 0 0	- - -	- - -	
	"Gundagai" - -	-	- - -	- - -	- - -	
	"Moutoa" - -	-	- - -	- - -	- - -	
	Superintendent of River Transport	-	80 0 0	- - -	- - -	
				680 0 0	8,160 0 0	
	Carried forward	-	- - -	32,349 8 8	275,233 4 0	

NEW
ZEALAND.

NOTE.—Enclosure No. 6 when received from the Governor was found to be incomplete, and is printed in that state.

STATEMENT, &c.—continued.

	Monthly Expenditure.	Per Month.	Per Annum.	
	£ s. d.	£ s. d.	£ s. d.	
Brought forward - - -	—	31,949 8 8	383,393 4 0	
Colonial Defence Department—				
Hon. Defence Minister - - -	83 6 8			
Under Secretary - - -	50 0 0			
Clerks - - -	116 13 4			
Messenger - - -	8 6 8			
		258 6 8	3,100 0 0	
Rations to Arawa Tribe - - -	800 0 0			
		800 0 0	9,600 0 0	
Special Service—Subsidy to New Zealand Steam Navigation Company (Raglan and Ma- nukau).	95 0 0			{ In addition to this a subsidy of 50% per month is being paid for a Special Service to Tauranga.
		95 0 0	1,140 0 0	
		1,655 0 0	19,860 0 0	
		34,757 15 4	417,093 4 0	
Liabilities for which payment must be provided by 31st December 1865	-	-	17,100 0 0	
Necessary Expenditure to 31st December 1865	-	-	9,700 0 0	
Total Expenditure for purposes of Colonial Defence to 30th June 1866	-	-	443,893 4 0	

LIABILITIES and NECESSARY EXPENDITURE.

Miscellaneous.	Total Amount.	
	£ s. d.	
LIABILITIES.		
For which payment must be provided before the end of December 1865 :		
Roads—Auckland - - -	2,000 0 0	
„ Taranaki - - -	3,500 0 0	
Timber—Military Settlers in Waikato - - -	10,000 0 0	
Passages—Families of Military Settlers - - -	500 0 0	
Blockhouses—Auckland and Taranaki - - -	1,000 0 0	
Total - - -	17,100 0 0	
NECESSARY EXPENDITURE to 31st December 1865.		
Blockhouses—Taranaki and Wellington - - -	3,500 0 0	
Stores—At various places - - -	500 0 0	
Transport—Troops, baggage, &c. - - -	3,000 0 0	
Tents and camp equipage - - -	700 0 0	
Clothing - - -	2,000 0 0	
Total - - -	9,700 0 0	
Total Miscellaneous - - -	26,800 0 0	

Amount as above - - -	- £443,893 4 0
Steam Service to Tauranga - - -	- 600 0 0
	<u>£444,493 4 0</u>

23rd October 1865.

T. M. HAULTAIN.

No. 7.

NEW
ZEALAND.

STATEMENT of ACCOUNT between the IMPERIAL GOVERNMENT and the COLONY of NEW ZEALAND,
from the Documents at present in the possession of the Colonial Government.

Dr.	£ s. d.		£ s. d.	£ s. d.	Cr.	£ s. d.		£ s. d.	£ s. d.
To "Error admitted" (vide Appendix, House of Representatives, 1863, p. 7, B.—No. 4) - - - -	-	-	-	85,891 10 4	May 17 By accounts rendered to Colonial Secretary - - -	53,183	1 4		
Contributions on account of Her Majesty's Troops:—					June 7 Ditto ditto ditto - - -	15,192	6 11		
Remitted for the 3 months ending 31st March 1862 - - -	6,929	13 9			" 11 Ditto ditto ditto - - -	25,868	15 0		
Remitted for the year ending 31st March 1863 (say) - - -	28,175	16 8			Aug. 7 By accounts rendered to Assistant Military Secretary - - -	12,959	13 1		
Remitted for the year ending 31st March 1864 - - -	33,906	6 8				107,203	16 4		
Remitted for the 9 months ending 31st December 1864 - - -	38,157	4 0			Deductions amounting to - - -	2,238	16 7		
			107,169	1 1				104,964	19 9
[NOTE.—The Imperial claim of 5 <i>l.</i> per man for troops, remitted from 1st January 1862 to 1st January 1865. See Appendix, House of Representatives, page 3, B.—No. 7.]					Nov. 25 By accounts rendered to Assistant Military Secretary - - -	18,731	5 0		
Proportion of Transport Service on the Waikato, and other claims (say) - - -			80,000	0 0	March 20 Ditto ditto ditto - - -	7,386	13 11		
			273,060	11 5	May 9 Ditto ditto ditto - - -	35,729	13 1		
					Aug. 11 Ditto ditto ditto - - -	2,011	5 8		
					Sept. 2 By accounts rendered to Private Secretary, including the difference between the Commissariat Statements and Treasury Minute of 29th October 1861 - - -			100,807	4 11
					Nov. 4 Ditto ditto ditto - - -	4,494	5 5		
					1863			274,125	7 9
					April 15 By contribution on account of the Imperial troops, from 1st April 1862 to 31st March 1863, &c. - - -	28,175	16 8		
					May 5 By advances from Imperial Chest, August to December 1863 - - -	186,000	0 0		
					By contribution H.M. troops from 1st April 1863 to 31st March 1864 - - -	33,906	6 8		
					By rations issued to Colonial forces, December 1863 to March 1864 - - -	38,721	14 0		
					By cost of implements issued from Military Store - - -	425	10 1		
					By rations issued to Colonial forces at Tauranga, February 1864 - - -	307	12 8		
					Nov. 12 Ditto ditto April 1864 - - -	9,458	16 4		
					Nov. 29 Ditto ditto Port Waikato - - -	541	17 8		
					Ditto ditto - - -	8,541	6 5		
					1865				
					Jan. 25 Ditto ditto at Te Awamutu - - -	1,142	0 4		
					Ditto ditto June 1864 - - -	8,783	11 2		
					March 3 Ditto ditto July " - - -	13,992	19 2		
					Deduct - - -	205	12 3		
						13,787	6 11		
					April 6 Ditto ditto September 1864 - - -	24,288	2 5		
					April 26 Ditto ditto October " - - -	12,912	16 7		
					Ditto ditto - - -	141	15 11		
					May 30 Ditto ditto December 1864 - - -	18,186	0 4		
					June 12 Ditto ditto - - -	15,651	6 10		
					July 26 Ditto ditto March 1865 - - -	8,232	13 7		
					By contribution H.M. troops to 31st March 1865 - - -	50,876	5 0		
					By pay of Colonial forces, March 1st to June 30th, 1865 - - -	6,283	0 5		
					By supplies from Military Store and Purveyor's Department - - -	977	6 10		
					Total, Claims rendered - - -	741,466	14 7		
Estimated balance due to Imperial Government - - -			503,406	3 2	Add Estimated Claims outstanding - - -			35,000	0 0
			£776,466	14 7				£776,466	14 7

* The Colonial Government is in possession of no information by which the discrepancy between the claims, as stated by the Commissariat Department and the claims as rendered by the Imperial Treasury, can be explained.

On reference to the Appendix to the Journals of the House of Representatives for the year 1863, p. 7, B.—No. 4, it will be seen that the sum of 274,125*l.* 7*s.* 9*d.* is made up as follows:—

	£	s.	d.
Treasury Minute, 24th May 1862 - - -	193,180	5 6	
Local Forces—Pay, Rations, &c., to 30th June, 1862 - - -	17,394	4 5	
Do. do. to 30th September 1862 - - -	4,452	4 3	
H.M. Troops—contribution for year ending 31st March 1862 - - -	27,718	15 0	
Road-making, to 30th June 1862 - - -	31,337	17 5	
Do. 30th September 1862 - - -	42	1 2	
	£274,125	7 9	

On comparing this statement with the one preceding it on the same page of the Appendix, it seems probable that the Treasury Minute of the 24th May 1862 includes the claims for "Fencibles," the Steamers "Wonga Wonga," &c., amounting to 85,891*l.* 10*s.* 4*d.* This sum the Commissariat Officer states to be an "admitted error," although he includes it now in his Statement of Accounts. The apparent overcharge is debited the Imperial Government in the present statement.

August 10th, 1865.

CHARLES KNIGHT, Auditor of Public Accounts.

NOTE.—The 500,000*l.* alluded to in the last paragraph of the Memorandum was remitted in March 1865 in Colonial debentures, and has been accepted by the Home Government, thus reducing the balance to 3,406*l.* 3*s.* 2*d.*

FRED. A. WELD,

NEW
ZEALAND.

No. 23.

No. 23.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 7.)

Government House, Wellington, January 8, 1866.

(Received March 16, 1866.)

SIR,

(Answered No. 37, March 26, 1866 p. 118.)

Mr. O'Rorke to
Sir G. Grey,
covering a
Petition,
Auckland,
23 Dec. 1865.

IN compliance with the recommendation of my Responsible Advisers I have the honour herewith to transmit a petition from the Auckland Provincial Council to Her most Gracious Majesty the Queen, praying that the Northern portion of these Islands may be constituted a separate Colony, under a Constitution calculated to establish and maintain peace, order, and good government.

2. My Responsible Advisers, in transmitting this petition to me, have not made any remarks upon it.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. in No. 23.

Enclosure in No. 23.

SIR,

Auckland Provincial Council Chambers, December 23, 1865.

I HAVE the honour to forward herewith a petition from the Auckland Provincial Council to Her Majesty the Queen, praying that the northern portion of the Colony of New Zealand may be constituted a separate Colony, and request that your Excellency will be pleased to transmit the same to the Right Honourable the Secretary of State for the Colonies for presentation to Her Majesty.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) G. MAURICE O'ROKKE,
Speaker.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The Humble Petition of the Provincial Council of the Province of Auckland,

SHEWETH,

That a general election has recently taken place of members to serve in the Council of the Province of Auckland.

That petitions from the late Council of the said Province, from the Members of the General Assembly elected for districts within the Province of Auckland, and from more than nine thousand of the northern settlers, have been addressed to Your Majesty, praying that the Islands of New Zealand may be divided into two separate Colonies.

That his Excellency Sir George Grey, the present Governor of New Zealand, has advised, in reference to the prayer of the said petitions, "That unless some such arrangement is carried out, it will be impossible to bring to a satisfactory termination the difficulties prevailing in the Colony."

That an Act has recently been passed by the General Assembly, giving to the Southern Island a majority of votes in the House of Representatives, and that the Southern Members have also a majority of votes in the Legislative Council.

That the inhabitants of the Southern Island, practically, are not liable to military service in the Northern Island; and that they are not exposed to the dangerous consequences of a Maori war.

That the two races of Your Majesty's subjects in the Northern Island of New Zealand may at any time be involved in a war more wide-spread and disastrous than any war by which New Zealand has yet been afflicted by the legislation of the people of another island, who are ignorant of Native affairs, who are personally secure from the dangers of war, and who have comparatively but little interest in the maintenance of peace.

Your Memorialists therefore pray that they may no longer be subject to southern legislation, that they may have conferred upon them the power of local self-government by the erection of this northern portion of these Islands into a separate and independent Colony, under a constitution calculated to establish and maintain peace, order, and good government in the country.

And Your petitioners, as in duty bound, will ever pray.

(Signed) G. MAURICE O'RORKE,
Speaker.

No. 24.

No. 24.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 9.) Government House, Wellington, January 12, 1866.

(Received March 16, 1866.)

SIR, (Answered No. 32, March 26, 1866, page 114.)

I HAVE the honour to acknowledge the receipt of your Despatch, No. 65,* of the 22nd of August last, enclosing the copy of a letter from the Senior Commissariat Officer in New Zealand, showing that the liabilities of this Colony to the Imperial Treasury, up to the 31st of October 1864, amounted to 641,260*l.* 1*s.* 7*d.*

* Vide Papers
presented
Feb. 1866,
page 226.

2. Upon inquiring into the subject, I cannot but regret that the Senior Commissariat Officer should have transmitted a statement which must have created erroneous impressions, injurious to the Colony.

3. From the gross amount of 641,260*l.* 1*s.* 7*d.*, claimed by the Senior Commissariat Officer, has to be deducted in the first place the sum of 85,891*l.* 10*s.* 4*d.*, which was admitted at home to be an error of computation; this reduces the sum claimed to 555,368*l.* 11*s.* 3*d.*

4. Again, the Senior Commissariat Officer in New Zealand in his communication to the Under Secretary of State for War had not taken any notice of the counter claims of the Colony on account of the transport service on the River Waikato, which rests upon a special agreement made by the Imperial military authorities in the Colony. The accounts on which these claims rest have been for a long time under the examination of a board consisting of a Commissariat Officer and an Accountant unconnected with the Colonial Government. There can be no doubt, I am assured, that at least 80,000*l.* will be found due to the Colony. This reduces the sum claimed to less than 475,368*l.* 11*s.* 3*d.*

5. But the Senior Commissariat Officer in the statement he transmitted to the Under Secretary of State for War also omitted to allude to the instructions from the Treasury, addressed to him on the 13th of July 1862, in which he was instructed that the Home Government would waive for a time the full claim upon the Colony in respect of the military contribution of 5*l.* per man. From this cause a further reduction of 69,012*l.* has to be made in the statement furnished by the Senior Commissariat Officer, reducing the claim against the Colony in the whole from 641,260*l.* 1*s.* 7*d.* to less than 406,356*l.*

I have, &c.

The Right Hon. Edward Cardwell, M.P., (Signed) G. GREY.
&c. &c. &c.

Enclosure in No. 24.

NEW
ZEALAND.IX.—STATEMENT of ACCOUNT between the IMPERIAL GOVERNMENT and the COLONY of NEW ZEALAND,
from the Documents at present in the possession of the Colonial Government.

Dr.	£ s. d.	£ s. d.	Dates when Account rendered. 1861	Cr.	£ s. d.	£ s. d.
To "Error admitted" (vide Appendix, House of Representatives, 1863, p. 7, B.—No. 4) - - - -	-	85,891 10 4	May 17	By accounts rendered to Colo- nial Secretary - - -	53,183 1 4	
Contributions on ac- count of Her Ma- jesty's Troops:—			June 7	Ditto ditto ditto -	15,192 6 11	
Remitted for the 3 months ending 31st March 1862 - - -	6,929 13 9		" 11	Ditto ditto ditto -	25,868 15 0	
Remitted for the year ending 31st March 1863 (say) - - -	28,175 16 8		Aug. 7	By accounts rendered to Assis- tant Military Secretary -	12,959 13 1	
Remitted for the year ending 31st March 1864 - - - -	33,906 6 8					
Remitted for the 9 months ending 31st December 1864 - -	38,157 4 0					
		107,169 1 1		Deductions amounting to -	2,238 16 7	
[NOTE.—The Imperial claim of 5 <i>l.</i> per man for troops, remitted from 1st January 1862 to 1st January 1865. See Appendix, House of Represen- tatives, page 3, B.— No. 7.]			Nov. 25	By accounts rendered to Assis- tant Military Secretary -	18,731 5 0	
Proportion of Trans- port Service on the Waikato, and other claims (say) - - -	-	80,000 0 0	March 20	Ditto ditto ditto -	7,386 13 11	
		273,060 11 5	May 9	Ditto ditto ditto -	35,729 13 1	
			Aug. 11	Ditto ditto ditto -	2,011 5 8	
			Sept. 2	By accounts rendered to Private and Secretary, including the dif- ference between the Commis- sariat Statements and Treasury Minute of 29th October 1861	* - -	100,807 4 11
			Dec. 11			
			Nov. 4	Ditto ditto ditto -	- - -	4,494 5 5
			1863			274,125 7 9
			April 15	By contribution on account of the Imperial troops, from 1st April 1862, to 31st March 1863, &c. - - -	- - -	28,175 16 8
			May 5	By advances from Imperial Chest, August to December 1863 -	- - -	186,000 0 0
				By contribution H.M. troops from 1st April 1863 to 31st March 1864 - - -	- - -	33,906 6 8
				By rations issued to Colonial forces, December 1863 to 31st March 1864 - - -	- - -	38,721 14 0
				By cost of implements issued from Military Store - - -	- - -	425 10 1
				By rations issued to Colonial forces at Tauranga, February 1864 - - - -	- - -	307 12 8
			Nov. 12	Ditto ditto April 1864 -	- - -	9,458 16 4
			Nov. 29	Ditto ditto Port Waikato -	- - -	541 17 8
				Ditto ditto - - - -	- - -	8,541 6 5
			1865			
			Jan. 25	Ditto ditto at Te Awamutu -	- - -	1,142 0 4
				Ditto ditto June 1864 -	- - -	8,783 11 2
			March 3	Ditto ditto July " -	13,992 19 2	
				Deduct - - - -	205 12 3	
			April 6	Ditto ditto September 1864 -	- - -	13,787 6 11
			April 26	Ditto ditto October " -	- - -	24,288 2 5
				Ditto ditto - - - -	- - -	12,912 16 7
				Ditto ditto - - - -	- - -	141 15 11
			May 30	Ditto ditto December 1864 -	- - -	18,186 0 4
			June 12	Ditto ditto - - - -	- - -	15,651 6 10
			July 26	Ditto ditto March 1865 -	- - -	8,232 13 7
				By contribution H.M. troops to 31st March 1865 - - -	- - -	50,876 5 0
				By pay of Colonial forces, March 1st to June 30th, 1865 - - -	- - -	6,283 0 5
				By supplies from Military Store and Purveyor's Department -	- - -	977 6 10
Estimated balance due to Imperial Govern- ment. (See Note.) - - -	-	503,406 3 2		Total Claims rendered - - -	- - -	741,466 14 7
		£776,466 14 7		Add Estimated Claims outstanding - - - -	- - -	35,000 0 0
						£776,466 14 7

* The Colonial Government is in possession of no information by which the discrepancy between the claims, as stated by the Commissariat Department and the claims as rendered by the Imperial Treasury, can be explained.

On reference to the Appendix to the Journals of the House of Representatives for the year 1863, p. 7, B.—No. 4, it will be seen that the sum of 274,125*l.* 7*s.* 9*d.* is made up as follows:—

	£ s. d.
Treasury Minute, 24th May 1862 - - - -	193,180 5 6
Local Forces—Pay, Rations, &c. to 30th June 1862 - - - -	17,394 4 5
Do do do to 30th September 1862 - - - -	4,452 4 3
H.M. Troops—contribution for year ending 31st March 1862 -	27,718 15 0
Road-making, to 30th June 1862 - - - -	31,337 17 5
Do. 30th September 1862 - - - -	42 1 2
	£274,125 7 9

On comparing this statement with the one preceding it on the same page of the Appendix, it seems probable that the Treasury Minute of the 24th May 1862 includes the claims for "Fencibles," the Steamers "Wonga Wonga," &c., amounting to 85,891*l.* 10*s.* 4*d.* This sum the Commissariat Officer states to be an "admitted error," although he includes it now in his Statement of Accounts. The apparent overcharge is debited the Imperial Government in the present statement.

August 10th, 1865.

CHARLES KNIGHT, Auditor of Public Accounts.

NOTE.—500,000*l.* was remitted in March 1865 in Colonial debentures, and has been accepted by the Home Government, thus reducing the balance to 3,406*l.* 3*s.* 2*d.*

FRED. A. WELD.

No. 25.

NEW
ZEALAND.
No. 25.COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 10.)

Government House, Wellington, January 13, 1866.

(Received March 16, 1866.)

(Answered No. 34, March 26, 1866, page 115.)

SIR,

In my Despatch, No. 127,* of the 14th of October last, I reported the murder on the west coast of this Island by the Hau Hau fanatics of messengers sent to them by Brigadier-General Waddy, C.B., who they decoyed into friendly interviews.

2. The murderers of these messengers being left unpunished, proceeded to murder other inoffensive people, and unfortunately, from the absence of the Whanganui Native contingent at Opotiki, it was impossible at once to collect a Native force that could be relied on to co-operate with the troops in bringing these murderers to justice.

3. It being however at last found practicable to remove the Whanganui Native contingent from Opotiki to Whanganui, a Native force was as speedily as possible collected to co-operate with Major-General Chute, and was placed under his command; and you will be glad to learn from the enclosed Despatch which I have just received from the General that the fanatics and rebel Natives were defeated on the 4th and 7th instants by Her Majesty's forces under Major-General Chute, with but trifling loss on our side, and that from the active measures now taken the whole west coast of this Island will shortly be placed in a state of entire security.

* Vide Papers
presented
Feb. 1866,
page 211.

Dated Camp
Putahi Jan. 8.
1866.

I have, &c.

(Signed) G. GREY.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Enclosure in No. 25.

Encl. in No. 25.

SIR,

Head Quarters Camp, Putahi, January 8, 1866.

I HAVE the honour to report for your Excellency's information that on the 30th ultimo, the date on which the Colonial troops your Excellency had acquainted me would be placed at my disposal were ready, I left Whanganui with a small field force, and encamped at Alexander's Farm. On the 31st the force marched to Weraroa, where we were detained for two days waiting for the Native contingent, who on the 1st January were employed in capturing horses the property of rebels, 32 of which they secured, and on the 2nd in preparing some particular food they declared to be absolutely necessary for the march.

On the 3rd instant the field force, total strength as per margin,* moved across the Waitotara. I directed the Native contingent to cross at Perikama, beneath and on the right flank of the post at Weraroa, and with the remainder of the force I made a diversion through the Waitotara block, crossing by the ford near the mouth of the river. The contingent having rejoined me on the main inland track, we marched towards Moturou and encamped about a mile and a half from that village, situated at the edge of dense forest, within which, and about two miles from Moturou, was the strongly fortified and formidable position of Okotuku, which I was informed was considered impregnable by the rebels, and there it was stated they had collected in considerable numbers. During the afternoon of the 3rd instant the Native contingent under Major M'Donnell proceeded to reconnoitre this position, and taking the rebels by surprise, entered it without opposition. A few shots only were fired at them by the enemy's scouts. Having set fire to the whares outside the pa, the contingent returned to camp.

On the following morning, having reason to believe that the enemy in considerable force had re-occupied the position they had apparently evacuated the evening before, I marched, with the force as per margin,† to attack the Okotuku Pa. The line of march for the last two miles was through dense forest, and the track itself obstructed throughout by ravines, rocks, and supple-jack, rendering the

* CORPS.	OFFICERS.	SERJTS.	DRS.	RANK AND FILE.
Royal Artillery	- 1	- 2	-	30 Under command of Lieut. Carre.
2/14 Regiment	- 8	- 11	- 4	250 " Lieut.-Col. Trevor.
Forest Rangers	- 2	- 3	-	41 " Major Von Tempskey.
Native Contingent	- 12	- 8	-	96 " Major M'Donnell.
Kupapas or Volunteer Natives	-	-	-	150
Total	- 23	24	4	567

† CORPS.	OFFICERS.	SERJTS.	DRS.	RANK AND FILE.
2/14 Regiment	- 3	-	4	1 - 100
Forest Rangers	- 2	-	-	- 33
Native Contingent	- 3	-	-	- 200
Total	- 8	4	1	333

NEW
ZEALAND.

advance most difficult, especially for the skirmishers, whom I had thrown out from the Native troops as I entered the forest. At a small clearing overhanging a deep ravine, just before commencing the steepest part of the ascent, the skirmishers were fired upon by the enemy. I pushed on as rapidly as the excessive badness of the ground would admit of, and soon gained the plateau. This is a narrow tongue of land of about 20 acres, the greater part being under cultivation. As the troops crowned it they were exposed to a very heavy fire from the pa, distant about 350 yards. I immediately extended the Forest Rangers on my extreme left, the 2/14th in the centre. The Native troops were on either flank and in reserve. I directed all to keep as much as possible under cover of the many fallen trees about us. Advancing in this manner for a short distance the fire became still more severe, and two men were wounded. I ordered the party to advance and endeavour to occupy the pa, when the 2/14th, led by Captain Vivian, in the most gallant manner charged the stockading, succeeded in entering the pa and in driving the enemy down the almost sharpened sides and rear of this defence, formidable by nature, but rendered doubly so by native skill.

In this affair I regret to say that Lieutenant Keogh and four men of the 2/14th were wounded. The bodies of six Natives killed were found. It is supposed their loss in killed and wounded amounted to 20; but owing to the density of the bush into which they retreated, it was not possible to ascertain their real loss.

When the pa was captured a portion of the Native contingent entered the bush and endeavoured to pursue the retreating enemy. They succeeded in taking the rebel chief and killing one man.

The most formidable part of the defence consisted of a palisade several feet high and fully three feet thick, made by piling logs of hard wood horizontally between two rows of thick upright stakes extending a distance of about 80 yards from one sharpened gully to another.

So precipitous were the sides and rear and so dense the forest beneath them that it was impossible to approach them and cut off the retreat of the enemy. The whole clearing, of which this pa formed the stronghold, was surrounded by bush, and is situated on one of the high points of the range of mountains running nearly in a north-westerly direction from Weraroa. It would be difficult to exaggerate the obstacles opposed to the advance of the troops to such a position, or the spirited manner in which they were overcome by all concerned.

The defences of the pa, whares, &c. having been burnt and completely destroyed, the troops returned to camp.

I am much indebted to Major McDonnell and the Native contingent for their services on this occasion.

Dr. Featherston, superintendent of this province, who accompanies the field force, was present at the assault on the Okotuku, and I have every reason to be obliged to him for his assistance on all matters connected with the Natives.

Previous to my departure from Weraroa I sent to the officers commanding at Patea and Wainyongoro, informing them that it was my intention to proceed northward by the inland track, pointing out the probability of the rebels retreating in that direction, and instructing them to patrol the country in the vicinity of the bush near their posts, with the view of intercepting and cutting them off.

Colonel Warre, C.B., commanding at Taranaki, has also been instructed if possible to clear his district of rebels, more particularly in the vicinity of his southern outposts, and to prevent their retreat by Mataitawa should they take the road at the back of Mount Egmont.

On the 5th of January the Native contingent desiring rest, the troops were occupied in destroying cultivations.

On the 6th January the force marched to the Wenuakura River and encamped on some high land to the southward and front of the rebel stronghold of Putahi.

I purposed attacking the pa at once, and had directed 200 men from the Patea to advance on it at the same time from the side next the river; but the only information I was enabled to obtain regarding the tracks to it was so meagre that I was obliged to wait until the following day.

On the evening of the 6th, while reconnoitring the position, a small party of the Native contingent were fired upon by the enemy's scouts, resulting in a skirmish, in which we had one man wounded.

Putahi is situated on a clearing about half a mile in diameter, on the top of a hill rising abruptly on all sides from the river plain to the height of about 500 feet, and covered to the crest with dense bush. The usual approach is from the side on which we are encamped, and was one the rebels evidently anticipated we should attempt, having, as I was informed, erected stockades and other impediments in the bush to assist them in its defence, information which I found to be perfectly correct.

Knowing that by this route the pa could only be taken with a loss of many men, I decided on attacking it in rear, and having succeeded at a late hour on the night of the 6th in obtaining the services of a guide with a tolerable knowledge of the country, I marched at 3 a.m. on the morning of the 7th, with a force as per margin,* crossed a tributary of the Whenuakura by a bridge constructed the evening before, and passing over a plain of about half a mile ascended a steep spur, which brought us on an isolated plateau lying to the left front of the pa, about two miles distant from it in a direct line. Descending this the march may be described as one continued struggle through a dense primeval forest

* CORPS.	OFFICERS.	SERJTS.	DRS.	RANK AND FILE.
Royal Artillery	- - 1	- 2	- -	28 Under Lieut. Carre.
2/14 Regiment	- - 6	- 9	- 3	204 " Lieut-Col. Trevor.
2/18 Regiment	- - 5	- 4	- 2	89 " Major Rooke.
50 Regiment	- - 4	- 4	- 2	90 " Capt. C. Johnson.
Forest Rangers	- - 2	- 2	- -	38 " Major Von Tempskey.
Native Contingent, &c.	- 10	- -	- -	200 " Major McDonald.
Total	- 28	- 21	- 7	649

Casualty re-
turn enclosed.

See casualty
return.

and bush, over ravines and gulleys which could in most cases only be ascended and descended by the aid of supple-jack, and then only with great difficulty. The extreme distance to be traversed could not have exceeded four miles, but the obstacles and obstructions opposed to us made a severe task of four hours.

When we arrived at the clearing the Native contingent, who had led through the bush, formed to the left and on the edge of it. The Forest Rangers were opened out in skirmishing order and lying down to cover the formation of the remainder of the force, who as they emerged one by one from the bush were extended with supports, the 2/14th being in the centre, the 2/18th on the right, and the 50th on the left, the Native contingent forming a reserve. The formation occupied more than an hour, under a desultory fire from the pa, from which we were then distant about 400 yards, and when complete I gave the order to advance. The rebels now opened a heavy fire, but the line did not charge until they were within 80 yards, when with a cheer and a rush they carried the position, the rebels retreating to the bush beyond, to which I immediately sent the Native contingent, who followed them for some little distance. The whole of the troops behaved admirably, and though working through high fern, conducted the attack as steadily as on ordinary parade.

The flagstaff, whares, &c., were all pulled down and burnt, the work of destruction being completed and the formidable pa of Putahi, hitherto considered impregnable on account of its inaccessibility, being levelled with the ground, I ordered the troops to be marched to camp.

Their loss has probably been very severe, though 16 bodies only were found in and around the pa.

From information I have received the garrison appears to have consisted of about 200 rebels of the worst character.

I enclose a return of our casualties, by which your Excellency will observe we had one man killed and seven wounded. Among the latter I am sorry to say is Major M'Donnell, who, as usual, was most active and zealous, not only in directing the march through the bush, but in pursuing the rebels in retreat.

Where all have behaved so gallantly it is difficult to select any names for favourable mention, but of the Colonial forces I beg especially to bring to your Excellency's notice Major Von Tempskey, commanding Forest Rangers; Major M'Donnell, commanding the Native contingent; as also Ensign M'Donnell of the same force.

I had directed Colonel Weare, C.B., to send 100 men from the Patea to the right bank of the Whenuakura River and to the right flank of the pa, in order to intercept rebels retreating by the inland route towards Kakaramaea. I beg to forward a copy of this officer's report of the proceedings on the occasion.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) T. CHUTE, Major-General.

NOMINAL RETURN of OFFICERS and MEN WOUNDED in an Engagement with the Rebel Maories on the 4th January 1866, at Okutuku, in the Field Force under the Command of Major-General Chute.

Corps.	Regi- mental No.	Rank.	Names.	Age.	Service.	How Injured.	Where Injured.	Killed or Wounded.	Remarks.
2d Bat. 14th.	—	Lieut.	Keogh - - -	30	9	Musket bullet.	Back of chest, close to shoulder blade (right).	Wounded	Severely.
" "	825	Prvte.	Charles Knight -	24	7	"	Superficial wound of left thigh.	"	Slightly.
"	1,247	"	Patrick Moran -	35	6	"	Fracture of lower jaw, with laceration of chest.	"	Very severely.
"	1,458	"	Patrick McKeown	24	6	"	Wound of right knee- joint, with com- pound fracture of thigh bone.	"	Very severely (ampu- tation.)
"	175	"	Patrick Murphy -	40	7	"	Abrasion of skin over left eye.	"	Very slightly.

(Signed) ALEXANDER GIBB, M.D.

Head Quarter Camp, Motaroa.

Deputy Inspector-General of Hospitals.

NOMINAL RETURN of WOUNDED MEN of the NATIVE CONTINGENT in a Skirmish with the Rebel Maories on 6th January 1866, at Putahi, under Command of Major-General Chute.

Corps.	Name.	How Injured.	Where Injured.	Remarks.
Native Contingent (Kupapa).	Hone Pahama - -	Musket bullet	In the back -	Wounded severely.

(Signed) ALEXANDER GIBB, M.D.,

Head Quarter Camp, Putahi.

Deputy Inspector-General of Hospitals.

NEW
ZEALAND.

NOMINAL RETURN of OFFICERS and MEN KILLED and WOUNDED in an Engagement with the Rebel Maories on the 7th January 1866, at Putahi, near Wenuakura River, in the Field Force under the command of Major-General Chute.

Corps.	Regi- mental No.	Rank.	Name.	Age.	Service.	How Injured.	Where Injured.	Killed or Wounded.	Remarks.
50th -	394	Corpl.	Charles Phillpott -	25	7	Musket ball.	Through heart -	Killed	—
"	948	Prvte.	W. H. Downs -	20	1 ⁶ / ₁₂	"	Left fore arm -	Wounded	Severely.
"	624	"	William Crompt -	21	4	"	Left thumb -	"	Very slightly.
2nd Bat. 14th.	160	"	Patrick M'Hale -	27	8	"	Left cheek -	"	Severely.
Forest Rangers.	—	Prvte.	H. Campbell -	—	—	Bullet wound.	Left thigh -	Wounded	Severely.
"	—	"	J. R. Malcolm -	—	—	"	Right leg -	"	Very severely.
Native Conti- nent.	—	Major	M'Donald -	—	—	"	Left leg -	"	Severely.
"	—	Maori	Heramea -	—	—	"	Right thigh -	"	"

Head Quarter Camp, Putahi.

(Signed) ALEXANDER GIBB, M.D.
Deputy Inspector-General of Hospitals.

SIR,

Camp, Patea, January 7, 1866.

I HAVE the honour to report, for the information of the Major-General commanding, that in obedience to your instructions I marched at 2 o'clock a.m. this morning with 100 rank and file for the purpose of laying ambushes between Putahi and Kakaramaea.

Two ambushes of 50 rank and file each were laid in the most eligible places, one of which was on a track leading on the edge of the main bush, with which party I was. Five Maories passed this ambush and were fired upon and pursued, one man being taken prisoner and another badly wounded, who managed to escape with the other three owing to the density of the bush.

No Natives were seen by the other party, nor did any others attempt to escape in the direction of Kakaramaea or "Gentle Annie," as the two ambuscades commanded a view of the whole country about.

The Deputy Assistant Adjutant-General
Field Force.

I have, &c.
(Signed) H. E. WEARE, Colonel,
Commanding Camp, Patea.

No. 26.

No. 26.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 11.)

Government House, Wellington, January 13, 1866.

(Received March 16, 1866.)

(Answered No. 32, March 26, 1866, page 114.)

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch, No. 66, of the 23rd of August last, in reference to the sum of 500,000*l.* in Government debentures which the Crown Agents had been instructed to deliver to the Imperial Government with a view to the adjustment in part of the debt due by the Colony of New Zealand.

2. My Responsible Advisers have requested me to transmit for your information the enclosed replies to the questions raised in your Despatch.

The Right Hon. Edward Cardwell, M.P.

&c.

&c.

&c.

I have, &c.
(Signed) G. GREY.

* Vide Papers
presented
Feb. 1866,
page 227.

Mr. Stafford,
Jan. 11, 1866.

Encl. in No. 26.

Enclosure in No. 26.

MEMORANDUM.

His Excellency the Governor.

HIS Excellency's Ministers have had under their consideration Mr. Cardwell's Despatch, No. 66, of the 23rd August 1865, on the subject of the New Zealand Government debentures for 500,000*l.* which the Crown Agents were instructed to deliver to the Imperial Government, with a view to the adjustment of the debt claimed by the Imperial Government from the Colony.

Ministers propose to take an early opportunity of submitting their views on the whole question of

the claims preferred against the Colony by the Imperial Government. On the present occasion they would, with reference to the final appropriation of the debentures in question, beg to call the attention of the Secretary of State for the Colonies to the course suggested by the Crown Agents in their letter to Mr. T. F. Elliot of the 26th June last, in which it was urged that if the Imperial Government accepted these debentures as offered by the New Zealand Government, and covered them with an Imperial guarantee, a profit of some 20,000*l.* would probably be realized from them.

Ministers concur with the Crown Agents in believing that this would be by far the wisest course for the Imperial Government to adopt. It would therefore naturally devolve on the Imperial authorities to instruct that the bonds should be prepared in such amounts and for such periods as they might prefer. In so far as the Colonial Government is concerned, it is willing to leave the amounts and periods to the discretion of the Crown Agents.

Wellington, January 11th, 1866.

(Signed) E. W. STAFFORD.

NEW
ZEALAND.

No. 27.

No. 27.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 13.)

Government House, Wellington, January 13, 1866.

SIR,

(Received March 16, 1866.)

(Answered No. 32, March 26, 1866, page 114.)

IN your Despatch, No. 86,* of the 26th of October last, you instruct me as follows:—

“ Her Majesty’s Government require you therefore, immediately upon the receipt of this Despatch, to place at once at the disposal of the Officer commanding Her Majesty’s forces in the Colony, with a view to their early removal from New Zealand, all the troops for whom no such appropriation shall have been made by the Assembly of New Zealand as was contemplated in the correspondence between this Department and the late Colonial Treasurer, laid before Parliament in June 1864. In order, however, that full opportunity may be afforded to your Ministers to take such steps as in their opinion may be required by the state of the Colony, and that the due responsibility may rest upon them, I add the following qualification, viz., that if, when you receive this instruction, no such appropriation shall have been made, and you or your Ministers consider that the troops, or any portion of them, cannot safely be sent away, and are desirous forthwith to convene the Assembly, and to obtain the appropriation, you are at liberty to allow sufficient time for this purpose, and no more.”

2. In reply, I have the honour to state that my Responsible Advisers are of opinion that in the present financial state of New Zealand it would be impossible for the Colony to pay the contribution of 40*l.* per man for the troops, and that it would, therefore, be useless to convene the General Assembly of New Zealand with a view to obtaining the appropriation asked for.

3. Under these circumstances, as no discretion is left me by your Despatch, nothing remains for me but to place at the disposal of Major-General Chute Her Majesty’s forces in New Zealand, with a view to their early removal from this Colony, which I shall do; but with a view to prevent any serious difficulties from arising here, which I know it would be your earnest wish to avoid, I shall advise Major-General Chute only to allow Her Majesty’s forces to leave the Colony at the rate of one regiment every two months, which is the period of time the military authorities have reported they require for the convenient embarkation of each regiment.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 28.

No. 28.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 14.)

Government House, Wellington, January 13, 1866.

(Received March 16, 1866.)

(Answered No. 34, March 26, 1866, page 115.)

SIR,

I HAVE the honour to enclose for your information the copy of a Despatch from Major Fraser, containing the details of an action between Her Majesty’s Colonial forces

Dated Dec. 27,
1865.

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under his command and the Hau Hau fanatics on the Wairoa River, near Napier, on the 25th ultimo, in which Her Majesty's Colonial forces, European and Native, behaved with great gallantry, defeating the enemy with considerable loss on their side, but I regret to say with the loss of a very valuable officer, Captain Hussey, and of one Native on our side.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Encl. in No. 28.

Enclosure in No. 28.

SIR,

Maru-Maru, Te Wairoa, December 27, 1865.

I HAVE the honour to report, for the information of the Hon. the Minister for Colonial Defence, that in accordance with instructions received from his Honour Mr. McLean I commenced active operations at the Wairoa as soon as possible after my return thither from Napier.

Having organized an expedition, consisting of Captain Hussey's company and part of my own and part of the Chiefs Kopu, Ihaka, Whaanga, and Karawiras tribes, I started from Te Wairoa on Saturday the 23rd instant, and marched about nine miles, camping for that night about two miles above the junction of the Wairoa and Waian Rivers, and about four miles from the enemy's first position.

I remained at this place until Monday morning, when after Divine Service we made an early start, and proceeded towards the enemy's pa, which on arriving at we found deserted. This pa had evidently been originally an old fighting pa, and the Hau Haus had intended making it a strong position, as they had palisades ready for the purpose of strengthening it, nothing but our quick advance saved our having some trouble, both there and along our whole line of march, there being many places suitable for ambushes, and the ground being such that every step might have been contested.

I will now explain the different positions of the enemy, so that the Government may thoroughly understand what I am about to relate. This pa that I have mentioned was on the right bank of the Wairoa, on the left bank of which, directly opposite, was a kainga, in which were several whares, a flagstaff, &c., near it were large cultivations. The enemy had deserted this kainga and had separated in two different directions, some had gone to another kainga, about a mile and a half off, situated on a creek which runs into the Wairoa, and called "Maruhakeke," the remainder had taken to the hills, where subsequently we discovered that they had a large unfinished pa. The chiefs and I held a consultation on our arrival as to what was best to be done, we could see the Hau Hau flag flying in the pa on the creek, and we determined to send a flag of truce to them, in order to give them an opportunity of surrendering unconditionally before blood was shed. They treated our message with contempt, and I accordingly hoisted the Union Jack, opened fire and marched in the direction of the Kainga Maruhakeke with all the Europeans and about 150 Natives. Captain Hussey was in command of the advanced guard, he pushed on with a few men too hurriedly, the main body could not keep up with him, the consequence was that the approach to the kainga being very sudden, and it being occupied by a large number of rebels, this gallant officer was shot, and died in a few moments while bravely leading the few men with him up to the position. About three minutes afterwards the majority of the men had got to the ground. I had been on the spot myself before Captain Hussey was killed, and was then engaged in rallying those who had been with him. As soon as I saw enough men available I ordered Captain Biggs and Lieut. Bear to take possession of a small garden in rear of the kainga and outflank the enemy; this was done most effectually; the men charged the kainga, led on my side by Lieut. St. George, who was first in the kainga, and drove the enemy pell-mell before them. Captain Biggs, with his usual skill, saw that they could be followed up from where he was stationed, and did so with some Europeans and some Natives. The enemy fled in all directions, were followed for a mile and a half up the creek and across into the bush and scrub, losing altogether in the attack on the kainga and in the pursuit about ten of their number, nine of whom have been buried by the friendly Natives, and I have no doubt that I am considerably underrating their loss. The casualties on our side were as follows:—

Captain Hussey,—gun-shot wound through spine entering right side (killed).

No. 195, Corporal Hawes, T. M. S.,—gun-shot wound in left arm (serious, doing well).

No. 639, Private Hollingsworth, T. M. S.,—gun-shot wound in left arm and back (serious, doing well).

Tipene, of Kopu's party,—gun-shot wound through head (killed).

While we were engaged as described above, the Chief Kopu and the greater part of his men were watching the enemy's other position, in order that we should not be cut off. As soon as this chief saw the enemy driven out of their kainga, his men being fresher than ours, he determined to chase them as far as he could; he did so in the most able manner, driving them before him into the hills and returned at night-fall, having killed three of their number in addition to those enumerated before, and having only one man slightly wounded.

The next day at two o'clock in the morning Captain Biggs, Cornet Pearce, and Ensign Richardson, with 50 men, composed nearly all of my own company who volunteered for the service, started with Kopu's and Ihaka Whaanga's people to surprise the enemy if possible and drive them out of any position they might have taken up. Captain Biggs returned to camp about nine a.m. and reported his having discovered a large unfinished pa from which the enemy had fled, he had not therefore seen anything of the enemy, but was able to give me information of the direction they had taken. Kopu remained with his men in order to scout. Kopu returned in the evening, having found and been engaged with the enemy a great part of the day in what may be described as a bush fight, two of his men were wounded, one I fear, by name Kana, will not live. Kopu reports the enemy to be now

occupying a strong position on a spur among the hills. They have sent their women and children to "Waikare Moana," which is about three days' journey from where I now am. The fugitives from Turanga under Auāru Matete have taken refuge with the enemy here. I estimate the number of the enemy at about 400, and considering the small force at my disposal, having only 100 available Europeans for the field together with about 150 trustworthy Natives, I am now sending Captain Biggs overland to Napier to obtain his Honour Mr. McLean's consent for him to proceed at once to Tuparoa, in order to obtain the services, which I know will be gladly given, of those brave Chiefs Te Hotine and Ropata with their men. I also purpose removing by the same opportunity from Turanga-niu 20 more men from my own company and the Hawke's Bay Volunteers, this will be an addition to the force here of about 200 Natives, who have fought with me before and whom I know and can trust thoroughly, and of 50 Europeans.

In concluding this Despatch, I beg to bring under the notice of the Government the general gallantry displayed by both officers and men in their pursuit of the enemy over a strange country, one which even the friendly Natives know nothing about. I must particularize the names of Captain Biggs, Lieut. St. George, and a gentleman volunteer who has accompanied the expedition with Ihaka Waanga's Natives, a Mr. Towgood of Hawke's Bay, as having been by their skill and courage the greatest possible assistance to me, and I trust the Government will remember their services.

I have, &c.

The Under Secretary for Colonial Defence, (Signed) JAMES FRASER, Brevet-Major,
&c. &c. &c. Commanding Local Forces, Turanga Niu and Te Wairoa,
Wellington, Province of Auckland.

No. 29.

No. 29

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 15.)

Government House, Wellington, January 13, 1866.

(Received March 16, 1866.)

(Answered No. 30, March 26, 1866, p. 114.)

SIR,

I OMITTED to send for your information the enclosed copy of a Memorandum from my late Responsible Advisers in reference to the Waitotara block of land. But from the statements made by General Cameron regarding that block of land, I think it due to my late Responsible Advisers to forward it to you, that you may see that no consideration regarding the Waitotara block influenced the policy of the Colonial Ministers, and that they have in no case advised an appeal to force upon any question of disputed title; their policy having always been diametrically opposed to any such proceedings, believing, as they did, that such questions should be decided by judicial action.

Fred. A. Weld
July 10, 1865.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 29.

Encl. in No. 29

MEMORANDUM.

THE Governor having communicated Lieut.-General Sir D. A. Cameron's letter of 12th June 1865 to his Responsible Advisers, they request that his Excellency will draw the attention of the Imperial Government to the serious injury to the public service resulting from the refusal of the Lieut.-General to communicate to the Governor, as requested by his Excellency, the nature of the inquiries he had made regarding the purchase of the Waitotara block, and his reason for believing it to have been an iniquitous job.

No consideration regarding the Waitotara block has at all influenced the policy of Ministers. They have in no case advised an appeal to force upon any question of disputed title. Their policy is, and always has been, diametrically opposed to any such proceeding, believing, as they do, that such questions should be decided by judicial action.

It is unfortunate that the course taken by Lieut.-General Sir D. A. Cameron precludes the possibility of any satisfactory investigation into the conduct of the Land Commissioner. The Lieut.-General refuses to afford information as to the grounds upon which he entertains the belief that wrong has been done, as to the nature or extent of the wrong itself, regarding the person or persons whom he may consider to have been wronged, thus effectually preventing redress being extended to the injured (if injured persons there be), or an opportunity of self-justification being given to the Land Purchase Commissioner whose character and position is at stake.

Ministers confidently rely upon the justice of the Imperial Government for their defence against secret accusations: but it is nevertheless their duty to protest against the refusal of Lieut.-General Sir Duncan Cameron to furnish to the Colonial Government information of a political character affecting

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the interests of the people of this Colony, a refusal which may perpetuate some possible injustice which if known might be prevented or redressed.

Wellington, July 10, 1865.

(Signed) FRED. A. WELD.

No. 30.

No. 30.

COPY of a TELEGRAM from Governor Sir GEORGE GREY, K.C.B., New Zealand, to the Right Hon. EDWARD CARDWELL, M.P.

GENERAL CHUTE's operations ended completely successful whole country quiet except few murders near Opotiki pacification proceeding all quarter 68th Regiment embarking 43rd Regiment following 13th February.

N.B.—The above Telegram left Galle on the 15th inst.; the Melbourne date would be about the 24th February.

No. 31.

No. 31.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 19.)

Government House, Wellington, January 20, 1866.

(Received April 12, 1866.)

SIR,

(Answered No. 42, April 17, 1866, page 119.)

Jan. 11, 1866.

Jan. 13, 1866.

I HAVE the honour to transmit for your information copies of two very interesting letters from Mr. Booth, the Resident Magistrate in the Upper Whanganui district, from which you will be glad to learn that almost the entire population of the Lake Taupo district, the great central division of this Island, have abandoned all intention of any further prosecution of war or disturbance, and that a large section of them are quite prepared to co-operate with the Europeans in punishing any tribes who may still attempt to carry on the war. The events detailed in Mr. Booth's letter of the 13th instant are in every respect most important and satisfactory.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure 1 in No. 31.

Encl. 1 in
No. 31.

SIR,

Resident Magistrate's Office, Pipiriki, January 11, 1866.

I HAVE the honour to report that during the last week two expeditions have been made in this neighbourhood by men of the 57th Regiment, accompanied by myself and five native guides.

The first expedition was made on Saturday last at my request, as I had reason to believe Natives had been about the place. We went first to Mr. R. Booth's place, Kapuka, on the left bank of the river, half a mile distant from this place. There we found a basket of seed potatoes, which had been left very recently. We followed on a native track for about two miles to Te Autumutu, but saw no sign of Natives having been there lately. We then destroyed a few whares and then returned home through the broken scrub by the river side.

It was quite evident on our return from the expedition that the British soldier has not the slightest chance in this broken country against the Native. In places where the men had to make the most violent exertions to get on at all, even though for a time relieved of their rifles, and where they were pulled up every few minutes by obstacles in the bush, the Natives on the other hand moved along barefooted through the bush without any apparent exertion whatever.

On Tuesday last (9th) Lieutenant-Colonel Logan, C.B., at my request sent out a party of three officers and 40 men, together with four native guides, to explore the track towards Waitotara.

We slept on Tuesday night on the top of Karewarewa, a mountain range westward of Pipiriki. On Wednesday 4 a.m. we pushed on with half our force, leaving the remainder with one Native as a reserve. We marched about five miles from Karewarewa on a very fair Maori track, the greater part of which followed the ridge of a mountain range trending away westward. After a very tiring march we halted at 9 a.m. about half a mile from a mountain stream called Te Huri. Two Natives, two soldiers, and myself went down to the stream. After descending the hill for about 500 or 600 yards we came to the bank of the stream, which is a precipitous cliff 40 feet high, down which we went by means of a rope ladder.

As we had seen no sign of Natives having been on the road for some time, it was thought as well that we should return.

Before leaving the stream the Natives tied up in a conspicuous place an empty soda water bottle, a piece of biscuit, and a match, so that, as they said, if the Hau Haus come this way they will see that the Queen's soldiers have been here.

The Waitotara River is an easy day's journey from the river at which we halted.

On our return to the camp of the night before fires were lit, which were answered at once by a fire from an earthwork at some distance. The Natives made out the place to be directly above Mangaio. The road by which we marched on Tuesday and Wednesday is the only one by which, as far as is at present known, the Natives can travel between Waitotara and Pipiriki or the neighbourhood.

I have, &c.

The Hon. the Native Minister,
Wellington.

(Signed) JAMES BOOTH,
Resident Magistrate.

Enclosure 2 in No. 31.

Encl. 2 in
No. 31.

SIR,

Resident Magistrate's Office, Pipiriki, January 13, 1866.

I HAVE the honour to report that last evening (12th) a party of Natives from Taupo, consisting of 30 men and 10 or 12 women, arrived at Ranana.

They state that about 70 of their tribe have gone to Napier to give in their allegiance at that place.

The people who have come here belong to the Ngatipeki tribe; the family names or hapus are the Ngatikurania and the Ngatipou.

The head chief of this tribe, who has come with his people, is Hare Tauteka; the other chiefs are Takuira, Herekieku, Hetaraka, and Himona.

Takuira reports that when he arrived in Taupo a short time ago, where he went for the purpose of bringing in his tribe, he found that Topia (Pehi's son), who had learnt from Toma that the Taupos intended shortly to come in, had gone to Taupo to try and dissuade the Ngatipehi, of which tribe he is a chief, from coming in, but rather that they should come and assist the Whanganui and coast tribes to strike a final blow at the Pakeha.

He told them that the Pakeha was exterminated from the west coast, that there were now no Europeans south of Pataraimaka or north of Kai Tui; that they intend to try once more what they can do on the Whanganui, and that for this purpose they have built a strong pa at Mangaio and intend on his (Topia's) return to build another at Pa Pooka, four miles from Pipiriki. Whilst Topia told this to a large concourse of Natives who had met together at a place called Pontu to decide as to what course they should now adopt with regard to the war, in the meantime Takuira had arrived at Pontu. When Topia had finished he said, "I have just arrived from Whanganui, and I am in a position to deny everything that Topia has held forth to you as inducements to you to join him in this work of fighting. The Pakehas have not been exterminated, nor are they likely to be; but this has been done—several unarmed men have been foully murdered by the tribes on the west coast. These murders Topia and his friends are fain to magnify into victories. My friends, do not listen to his advice, but make good your word, which I have taken to the Governor and to Hori Kingi. If you listen to Topia and still persist in fighting, I tell you that you will see the men with boots marching round this lake in less than a month."

Three stakes were then driven into the ground, one to represent the men who are determined to carry on the war to the death.

2nd. The second to represent the men who will not give up the Hau Hau religion, but pledge themselves to live peaceably, to entertain strangers, European or Maori, to give up all murderers, and not to take up arms again unless their country is invaded.

3rd. The third to represent the people who intend to give in their unreserved allegiance at once and to join the Pakeha in assisting to capture the murderers if called upon to do so.

The chief Hori Tauteka with a large portion of his tribe went and took up their stand by stake No. 3. The rest of the Taupos within a large tract of country, including almost the whole of the Taupo district, took their place by stake No. 2, whilst Topia, with only eight others, one of whom is the Chief Te Heuheu, took their place by No. 1.

Hare then said to Topia, "Now I have declared on whose side I am. I intend to-morrow to start for Whanganui. If you make another attack on Pipiriki I shall return home with the Pakehas through Pipiriki and the Upper Whanganui, and so on home." Topia said, "I and my people will never submit to the Pakeha; we will never make peace with the Governor—no never! never!"

Takuira says that his wife and Topia, who are brother and sister, or cousins, cried over each other, rubbed noses, and then separated, each going the way they have chosen.

About 2 p.m. to-day I asked the visitors to meet me in the Runanga house at Ranana. After saluting them collectively and the chiefs by name, I addressed my remarks to Hare, telling him that the trouble and confusion which has taken place in New Zealand has been caused not by the Government, but by themselves. I said, I will take Whanganui alone as an example of what I mean. Murder alone has been the cause of the evil that has arisen. Matene came from Taranaki with his evil work, and brought to Pipiriki the head of a Pakeha; he planted the seed there, and three days afterwards I and my family were robbed of everything we had in the world, and had the greatest difficulty to make our escape with our lives.

One week after he had sown the seed in Pipiriki the tree bore its bitter fruit in the battle of Montoa. After that you, Hare, with your people joined Pehi and Tahana at Ohontohi in again disturbing the peace of the river. In the meantime that wicked murderer Kereopa passed through Pipiriki with the head of another European, on his way to plant the seed of murder and treachery on the east coast. The fruit of that tree, as we all know, was the murder of the Rev. Mr. Volkner and all the other evils which have since arisen at that place.

The Governor now said Pipiriki must be taken, because it had been at the root of all the evil and mischief which has taken place.

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The Governor's militiamen, European and Maori, then took Pipiriki, not with the idea of confiscating the land, but to protect the friendly Natives and Europeans and to keep the peace on the Whanganui River.

Then you, Hare, with your people again came and joined the traitor Pehi and tried to drive the Pakeha from Pipiriki, but you could not do it. I hear that your people have since been to Opotiki, but now that you come in I can say to you in the name of the Government, Come, and that, unless your tribe is implicated in murder, all that is past will be forgotten.

Hare then replied. He said, "If you had listened to my letter, which I, Tahana, and others sent, we should not have made the attack on Pipiriki. We waited for some days; you did not answer our letter, so we attacked the post."

I said, "I remember the letter from Tahana" (date July 12th, 1865, translation forwarded to Native Office at the time). Tahana therein, addressing myself, Major Nixon, and Pehi, told us to remove the Europeans from Pipiriki, because the place had not been taken in fighting. But in the first place I happened to be in town when the letter was sent, and the attack was made the day after I saw the letter.

If I had been there I should have answered you in the words I have already used, that the Government intend to hold Pipiriki for the peace and safety of the rest of the river.

After this I asked each man separately if he would solemnly declare that he would henceforth be a true and faithful subject of Her Majesty Queen Victoria, which promise they severally made.

I did not administer the oath, as I think a man without any religion would not feel himself any more bound by an oath than he would by a simple promise.

The Taupos intend to visit the town of Whanganui and Hori Kingi's place at Putahi, and declare themselves ready, if their services are required, to volunteer for actual service at Patea.

Subjoined is a list of names of men who have this day made their declaration of loyalty to the Queen.

The Hon. the Native Minister,
Wellington.

I have, &c.
(Signed) JAMES BOOTH,
Resident Magistrate.

LIST of NAMES of MEN who on this day, January 13, 1866, declared their allegiance to the Queen.

- | | | |
|-------------------------|-----------------|---------------|
| 1. Hare Tauteka.* | 11. Hataraka. | 21. Wereta. |
| 2. Takuira Herekiekie.* | 12. Himona. | 22. Hepi. |
| 3. Wiremu Reke. | 13. Wherahiko. | 23. Mokokore. |
| 4. Te Rangi. | 14. Te Kepo. | 24. Hiri. |
| 5. Waritini. | 15. Ko Eru. | 25. Anieta. |
| 6. Wi Tauranga. | 16. Te Riu. | 26. Petera. |
| 7. Matene. | 17. Tumuera. | 27. Eru. |
| 8. Rota. | 18. Te Whakaki. | 28. Houe. |
| 9. Rawiri. | 19. Heremia. | 29. Pine. |
| 10. Heperi. | 20. Horui. | 30. Heta. |

January 13, 1866.

(Signed) JAMES BOOTH,
Resident Magistrate.

No. 32.

No. 32.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 20.)

Government House, Wellington, February 2, 1866.

(Received April 12, 1866.)

(Answered No. 53, April 26, 1866, page 127.)

SIR,

I HAVE been requested by my Responsible Advisers to transmit for your information the copy of a letter addressed by Sir Wm. Martin to the Colonial Minister for Native Affairs.

2. My Responsible Advisers inform me that it is with regret they find their views opposed to some of those of so good and able a man as Sir Wm. Martin is.

3. In order that full information may be afforded to you upon perhaps the most important point in Sir Wm. Martin's letter, I beg to offer the following remarks.

4. Sir Wm. Martin states,—“The object of the war in this country was to repress and terminate the efforts which the Natives were making to set up a separate nationality, an effort dangerous to both races. But though that effort was a great folly, it was not a great crime.”

5. This view of the case appears to me only to embrace a part of the problem which should be presented for consideration, in order to render it possible to form a correct and safe conclusion upon a subject which is of a very difficult and complex nature.

Sir W. Martin
to Native
Minister,
Auckland, 18th
July, 23rd Dec.
1865.

6. In this Island two races are living together, a barbarous and a civilized race. The barbarous race is now in the minority, and each year this minority will be more apparent, but it occupies the central strongholds of the country. The people belonging to it do not live generally as a scattered population, but as communities under chiefs. They have been allowed to arm themselves well, are practised in the use of arms, and are naturally warlike. Wherever Natives are, there is a body of armed and organized warriors ready for instant action.

7. Besides occupying the central strongholds of the country, the people of this race occupy many places between European settlements, in the vicinity of and even in the midst of these settlements.

8. The European race lives scattered through the country, and in settlements dispersed at various points along the coast line of the Island. Many of them were born in the country, have attained to middle age, and their children are, in their turn, growing up here. They have thus no sense of want of right to be here, or of being an intruding population; between themselves and many of the Natives strong and long enduring bonds of amity have existed and still exist.

9. Until recently these Europeans have neither been armed or trained to the use of arms, or placed under or habituated to act under leaders. For purposes of outrage or violence, the barbarous population had therefore many advantages on their side.

10. An armed attempt to set up a separate nationality and native king by a barbarous population so circumstanced in reference to a civilized population such as I have described becomes a very serious matter.

11. In such an attempt the civilized population, who have no interest but self-preservation, must necessarily suffer the most. Those of the barbarians who engage in such an attempt may be clever, and themselves much advanced in civilization, but the worst and most violent of their countrymen are almost certain to join them, and to break loose from all control. They have little to lose, and in a few hours can destroy property which the European population has been years in painfully and patiently accumulating. The national government attempted to be set up under such circumstances can necessarily have no power to repress violence, or to punish evil-doers, amongst those who claim to be its subjects. Such men even when mixed up with the European settlements are certain after committing crimes to claim their nationality as an excuse for not acknowledging European tribunals, which would punish them for their offences; and this claim on their part will be supported by all their countrymen who desire disturbances or may hope to gain anything by them. At the hands of such men both the well-conducted of their own countrymen and the European population must suffer great wrongs. It might be said that to proclaim that a barbarous nationality had been set up in a country circumstanced as this is, is to proclaim that every man who pleases to acknowledge that nationality may do as he likes, and that all law is abolished. Such was, in fact, in many instances the result even within the limits of the European settlements of the attempt to set up a separate nationality in New Zealand.

12. In forming a judgment on the nature and consequences of such an attempt, all this must be borne in mind.

13. When once the serious and terrible evils which spring from such an attempt are made manifest, I think it becomes the bounden duty of the European population, and of the well-disposed amongst the native population, to take every precaution within their power which they can take without acting unjustly or unmercifully, not only to repress and terminate such an attempt, but to prevent such an attempt from being ever again made.

14. This is no less necessary for the protection of the Natives than of the Europeans. Not to do it would be to ensure the ultimate destruction of the native race. To this end my aims have been mainly directed. The thought of punishing those who have been engaged in the attempt to set up a separate nationality, and who have entailed so large a loss of life and property, and such a vast expenditure on the country, has been entirely subordinated to the idea of doing that which might prevent such evils from falling on the two races for the future, and in these views I have been thoroughly supported by the General Assembly and the whole talent and influence of the country. In fact, my views were their views, there has been no essential difference of opinion between us.

15. I do not mean to say that there may not be violent men in New Zealand, but even in the midst of the worst outrages, and during times of the greatest excitement, the General Assembly has shown a scrupulous care for the rights, both present and prospective, of the native race, instead of waiting for the termination of hostilities to make provision for the future of that race. They have even in the midst of wars and outrages carefully devoted themselves to enacting laws for the security of the future welfare of the

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native people. I feel sure that upon the whole the debates, the legislation, and the Acts of the General Assembly will hereafter be admitted to be creditable to their humanity, and to the nation to which they belong, and I have no reason to think that Sir Wm. Martin would not agree with me in the opinion which I have thus expressed.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Encl. 1 in
No. 32.

Enclosure 1 in No. 32.

SIR,

Auckland, July 18, 1865.

I HAVE the honour to report to you that the notes I undertook to prepare on the best mode of working "The Native Lands Act" are now completed and in print. Some copies are forwarded by to-day's mail, the residue will be sent by the next.

In these notes I have endeavoured to set forth the several parts of the system to be pursued in their ordinary relations to one another, confining myself to questions which must arise in the regular course of administration, and avoiding questions of a political kind; therefore I have contented myself with pointing out that for the success of this undertaking we require, first of all, a state of rest and peace, without inquiring how rest and peace are to be attained.

But knowing your desire to bring the Act into operation, and considering the benefits which may be expected to accrue to both races from its success, I have been led to reflect seriously on the way in which the pacification of the country may be effected.

I now beg leave to offer, for your consideration, a few words on this point as a sort of postscript to the "notes," praying that the paramount importance of the subject may be my excuse. It is my conviction that the course of proceeding devised in 1863 is not the best for the purpose. We ought not to be surprised if it be found that measures adopted in a season of excitement and panic do not approve themselves now, after a fuller consideration and a longer experience.

The necessities which press upon us at this time are the following:—

It is necessary to quiet the minds of the Natives, many of whom in different parts of the country apprehend that the part they have taken may expose them some day to serious consequences, and therefore seem to have no interest in the restoration of peace. Also it is necessary to get rid of the grievous burdens which must continue to be borne by ourselves, so long as we are holding possession of lands by mere force, and many of the former occupants are sitting by saying (as it was expressed at Hangatiki) neither "Yea" nor "Nay" to our doings. Further, it is necessary that the attempt of the Natives to set up a separate and independent government for themselves be seen to have failed so signally as to leave no temptation to repeat the experiment.

Now, sir, to my mind the only direct and sure mode of reaching all these results is by the way of an open and express *cession* of land, accompanied on our part by an amnesty large enough to include, at any rate, all persons who have committed no offence against us beyond that of bearing arms in the war. A piece of territory being once so ceded, no hope or thought of recovering possession of it at some future time will be entertained by the hostile Natives. By the abandonment of a delusive hope their own minds will be so far set at rest. Thenceforward our possession will be undisturbed, and a great and continued outlay, which we must otherwise incur, will become unnecessary.

As to the Maori king and the hostile tribes, the most manifest proof of failure will be such a cession. To have to retire before the large force which we have had in the field against them may not be regarded by themselves or other tribes as a complete defeat, but to be constrained to cede land in the centre of the king's territory, and publicly to cut themselves off from all hope of recovering it, would be an undeniable proof of defeat and failure.

I remember how strongly the need of such an amnesty (or *muranga hara*, as they called it) was felt and how the subject was discussed in Waikato after the cessation of the former hostilities. There is ground for hope that a like feeling now may be taken advantage of for quieting the land, and that through the intervention of friendly chiefs a settlement such as I have here suggested may be brought about for the real interest of all.

I have, &c.

The Hon. the Native Minister,
Wellington.

(Signed) WM. MARTIN.

NOTES on the best Mode of introducing and working the NATIVE LANDS ACT.

IN compliance with requests made to me by the Honourable the Native Minister and the Honourable the Attorney-General, I have put together the following notes on the best mode of introducing and working the Native Lands Act, so as to render the Act most effective for its purpose and most conducive in its effects to the peaceable settlement of this Island.

Though I have done my best to keep these remarks within compass, yet they have unavoidably run to some length. In fact, by the course of events, and by repeated discussion during the last few years, the several parts of the Native problem, and their mutual relations and connexions, have become more manifest, and the order in which they may be attempted with best prospect of success more apparent. This has rendered it necessary for me to touch on nearly every part of the work to be done, in order that each part may be seen in its proper place and its due proportions.

If some of the proposals herein made appear at first sight inadmissible, I only ask for a patient hearing and serious consideration. For the views here expressed have been formed not lightly or rapidly, but after long continued observation, and by the aid of light drawn from every available source, and after much conference with persons of various classes and of different ways of thinking on these subjects.

I regard this Act as the turning point in our work. If it can be brought into smooth and safe operation, and be made acceptable at the outset of our proceedings, it will powerfully attract the Natives to our system, and give us the means of gradually and quietly introducing that system into all parts of the country.

1. For this end the greatest care and forethought are required, not only because the work is in itself complicated and difficult, but also because we have to overcome great obstacles. We have to commend our measures to a population in which there exists a wide-spread and deep distrust of the Government. There are, it is true, many amongst the Natives who are attached to us, and who are convinced that in union with us, and conformity to our usages, lies the only hope of their race. Yet even these are perplexed and harassed by the contrarieties of our so-called policies, by the divisions of our political parties, and by the language of our newspapers. We do not readily estimate the effect of these things on the minds of men keen and shrewd, yet ignorant and ill-informed, and at the same time well aware how vitally their own interests may be affected by them. Another large portion of the population is demoralized, sore of heart, and almost desperate, driven half mad by losses and sufferings, by uncertainties and fears. Everywhere the land needs rest.

Time is needed not only for the settling down of men's minds, but also for the preparation and revision of our own plans; for the success of this measure must depend entirely on the manner of working it. It might be so worked as even to complicate our difficulties and diminish our influence. The solicitations and the keen competition of land buyers, working secretly and sometimes unscrupulously against each other, might, unless checked by proper regulations, raise up again, even in an aggravated form, a general irritation and opposition, such as were produced by the old system. Our one hope of success lies in our proceeding on a very limited scale and in a very measured way in the outset, and in our mode of proceeding being so framed as to exclude to the utmost all sources of irritation, and to produce by the most facile mode a clearly advantageous result. Considering that we have to construct and test our mode of proceeding as we go on, and to ascertain by experience many things which no forethought can suggest or devise; considering also the extreme difficulty of finding agents fit for this work; it is evidently necessary to begin our work on a limited scale and in some district which is well prepared to receive our operations. We may be quite sure, that in working within such a district, and in appearance for that district only, we shall be really working under the eyes of all. Our operations will be keenly watched by the Natives in all parts, and the benefits or disadvantages carefully noted and discussed everywhere. On the other hand, to keep a number of operations going on at the same time, and that with inferior instruments, would be to increase unnecessarily the chances of error and failure. If our work shall be successful in a single district, and our system be seen to yield real and substantial benefit to those who come within it, that system will readily find acceptance elsewhere, and in due time spread itself through the country.

The Certificate.

2. The principle of the "Native Lands Act" is to make the *certificate* of the land court the primary evidence of title, and the basis of all our dealings with the land; a principle which appears to me sound, and even necessary, as the only mode of avoiding great difficulties. The requiring of such a certificate can be no cause of suspicion, because every man sees that for the peace of the land, and as a safeguard against fraud, some public inquiry and some certificate to show the results of the inquiry are necessary. To require a certificate which asserts on the authority of a Native court that a certain block of land, properly identified and delineated thereon, belongs to certain Natives enumerated therein, and to require and connect therewith an actual survey and marking out of the land, will be seen to be a reasonable and necessary precaution for the good of all; a needful security against mischief between the races and even war. We know that the offer of a *Crown grant* for their land is apt to be regarded by the Natives with suspicion, and declined as seeming to involve an admission that their title to their lands is defective, or that it depends on the Pakeha rather than on their own forefathers.

Another, and a weighty reason for preferring the certificate is, that a Crown grant would at once bring with it our English law of real property, our canons of descent, as well as a large body of rules not understood or ever heard of before; and so would cast upon the Natives a burden which would be to them intolerable. We must be on our guard lest we discredit Crown grants, so as even to render it impossible to induce Natives to accept them, which we certainly shall do if we introduce them as a means of security and protection; and if afterwards a crop of questions and disputes shall grow up, not to be settled except by reference to the Supreme Court; that is to say, to a tribunal which to the great body of the Natives is by reason of distance, cost, and their own ignorance of our procedure and our language practically inaccessible. Mr. Dillon Bell, in moving the second reading of the Native Lands Bill, clearly pointed out the nature of this difficulty and the necessity for propounding for the Native districts a body of rules touching interests in land, and he transfer and devolution of them, which should be substantially English but adapted and simplified. I believe the remedy proposed by Mr. Bell to be perfectly practicable; but until we are in a condition to propound such rules and to set up local and accessible courts to interpret and administer them, I think it is absolutely necessary to avoid all these sources of difficulty and to keep within safe limits. The certificate will give us all that in the first instance we need; for the first thing is to mark out the boundaries of separate pieces of property and to register the owners thereof; to gather those owners into *groups*, and to bring them as groups into

legal action. This is the first step. The individualisation (of which much has been said) is a further step for which every facility ought to be given, but for which there is no reason why we should wait, as the members of the several groups of owners may join in letting or selling the land. Much of the soil of England was at one time in a similar condition.

Selling and letting.

3. The certificate of title, a document created by an Act of the Assembly, will confer on the holders of it such powers as the Assembly may think fit to give, and none other. Those powers should be, in the beginning, the power of letting land for a term not exceeding 21 years, and the power of sale. To make the exercise of those powers safe it should be enacted, that all contracts for letting should be entered into, and the lease in every case be executed, by the parties in the presence of the Civil Commissioner or of a Resident Magistrate, who should attest the same, and should certify that the lease and a certified version in Maori had been read over to both parties in his presence, and that both parties understood the same. The rent should be made payable to some person or persons named in the lease, so that no inconvenience should arise to the lessee from the number of the lessors. In case of the death of any of them, the lessee would have nothing to do with any question which might arise as to division of the rent amongst the persons entitled thereto according to Native custom. That question would be settled by the Resident Magistrate, on the finding of a Maori jury, after the manner of a copyhold court. It would be convenient for the officers concerned in this business that all such leases should be computed and made to run from fixed quarterly days, so that the rents may fall due at the same time.

At present there is often found a considerable disposition to let lands where there is no great willingness to sell. And the letting of lands will of itself, if properly managed, quietly and effectually open the country and prepare the way for sale, for it will put us in possession of a survey of the lands and a complete register of the owners of the several blocks. In this way the title will be made clear and safe beforehand; and roads—not merely main roads, but smaller roads also—will be opened peaceably in all directions for access to the lands under lease.

Public Auction.

4. As to the power of sale, to make the exercise of it most attractive and satisfactory to the seller, and to exclude all private intriguing, all sources of jealousy and irritation, one precaution is necessary and sufficient. Let no Native land be sold under this Act otherwise than by *public auction*. Let the Natives see that their interests are fully protected, and that land is sold by the Government on their behalf just as the Government sells its own land. The auction should take place, after due notice, in such one of the English settlements as might be appointed for that purpose. The name and description of the purchaser being reported to the Civil Commissioner of the district in which the land was situate, he would cause the conveyance to be executed in the presence of himself or of some resident magistrate of the district, and forward it to the office in Auckland. The office would receive the purchase money and either remit it or deposit it, as desired by the sellers, and would hand over the conveyance to the purchaser. Thus the great inconvenience and evil which often attends Government dealings with Natives, of keeping a number of persons hanging about the town for days together, might be avoided. The purchaser should after a certain time be entitled to receive a Crown grant.

It would be a valuable addition to this plan if some convenient mode of investing the proceeds of sales could be open to the Natives, where they might obtain good interest on their deposits, and so might see that they derive a substantial and permanent benefit from our management. The frequent and natural complaint of the Natives, that the land abides whilst the payment perishes, might thus be obviated. The present savings banks have been instituted for a different purpose, and by the limited amount to be deposited and by other regulations are rendered unfit for the object here contemplated. Yet the political advantages to flow from any system which should attract Native investment, and so bind Natives to the Government, are great and obvious. For the attainment of a political end it would be wise to lay less stress on those economical considerations, which ordinarily prevail in such matters. If made attractive in this way, the selling of land may be expected to be after a season resumed freely. It is possible that in particular cases some inconvenience may be felt, but I have no doubt whatever that (if we look to the general working of the Act—to the attractiveness of its operation, and the peace of the country at large) the advantages will be found to preponderate enormously on the side of the sale by public auction. By no other mode can the settlers at large be secured against the forestalling of the land by a few; and by no other will the Natives be satisfied that they receive the fair value of the land.

Cases will be found where money has been received by Natives as an advance upon a contract or understanding for sale of land; and such cases will need to be specially provided for. The persons who have in this way sought to gain a preference over others have no claim to consideration on the part of the Assembly or of the Government, inasmuch as it is provided by the express terms of the Native Lands Act itself, that "Every contract, promise, or engagement for the purchase, lease, or occupation of any native land or of any interest therein, made prior to the issue of a certificate of title under this Act, shall be absolutely void;" to which enactment, moreover, attention has been drawn by an express notification in the Government Gazette. Care should also be taken that the Native seller should not have the benefit of such unlawful contracts; for which purpose, upon the land being afterwards sold by auction, an amount equal to that which had been already received under the private dealing should be deducted out of the purchase money and paid into a fund for the general benefit of the district.

Land Court.

5. The constitution of the Land Court by which the certificate is to be given is a point of vital importance, for it is provided in section 14 that the certificate shall be conclusive as to the Native proprietors of the land for which it is issued. The Court should then be so constituted as to give the utmost attainable security for the correctness and trustworthiness of the certificate. It is essential that the Government shall be able to entertain a well-grounded assurance that it will be safe and right to act on the certificate.

The constitution and procedure of the Court should be such as to exclude, as far as possible, all deception or collusion. If the Court consists of too few members, the certificate may be simply a snare to the Government. The safest mode appears to be to form a panel of the leading men of the district, and out of them to select not fewer than six as a jury, either by ballot, subject to challenge, or by a process similar to that of striking a special jury. They should receive a payment for their work so much a day; the regulation of the sittings, both as to their length and frequency, resting with the President of the Court. The utmost care should be taken to secure the due circulation of notice of the sitting of the Land Court, and ample time for attendance should be allowed. Applicants for certificates should be required to have the boundaries of the land surveyed, and actually marked out upon the ground, *before the application is made.*

One System for Land Buyers.

6. It appears to me essential to our success that the system to be established should apply to all purchasers equally, and that the 34th section of the Act should be repealed. A trustworthy Land Court being once constituted, let all transactions pass through the Court on the same footing. Let all purchases be subject to one and the same course of procedure; and let the efforts of the Government be confined to the establishment and working of a sound system for the use and benefit of all. Any regulation, which is needed for the guidance and protection of the buyer on his own account, must be equally needed for the guidance and protection of the buyer on behalf of Government.

Reserves.

7. All lands to be reserved for Native cultivation or occupation, under the 9th section of the Act, should be separated by *natural boundaries* from lands to be settled by the Pakeha. This is to be desired, not only for the sake of avoiding strife between the Native and the European neighbours, but also to enable the Natives to cultivate within a ring fence, and to spare them the cost of a fence for each separate holding, which cost will sometimes equal or even exceed the value of the land to be included within such fence.

Endowments.

8. By the Native Lands Act (sections 21 and 23) it is provided that the Governor may, at the request of the owners, make regulations and plans for settlement of Native lands, and that in such regulations reserves may be made for public roads and highways, or for schools, hospitals, churches, &c., and *for the endowment of such institutions, or for any other purposes of public or common utility* to the Native proprietors. On our success in providing in every Native district an adequate endowment in land for the purposes of law and education must depend in large measure our success in attaining our great end. In no other way can success, if attained, be rendered permanent. No doubt grants of money made by the Assembly may be depended on to meet the cost of introducing whatever system may be thought the best, and of sustaining it for a time; but such grants can hardly be depended on for upholding it through a series of years. We must look elsewhere for the means of fully establishing and permanently supporting the system, so that it may have time to do its work, which, in the nature of things, cannot be done rapidly. Wherever the new Native Lands Act shall be brought into operation, let it be made as far as possible a condition that a liberal endowment be first made for the support of the *administration of law*, as well as for schools where the *English language* shall be taught. There is nothing unreasonable in urging strongly, at the commencement of our undertaking, such terms as are in themselves necessary and essential to secure for it a successful issue. The attractiveness of the Act, so far at any rate as the power of letting land is concerned, gives us an opening for effecting our purpose. So soon then as any district shall show a desire to receive this Act, that desire should be met by a readiness to confer the boon, on a pledge being given by the people of the district after a public meeting that the Pakeha settlers who may be introduced into the district under the operation of the Act will be secured from disturbance and lawlessness; and for that end that the Natives of the district will concur in establishing law in the district. The best evidence of the assent and co-operation of the Natives will be the appropriation of land as an endowment for the permanent maintenance of the administration of law and of instruction in the English language. If we allow them, what they may reasonably claim, a fair voice in the management of the properties so appropriated for endowment, and in the application or apportionment of the income derived from them, we may count on their hearty co-operation. There are especial reasons at this time why we should endeavour to build on a foundation of endowments voluntarily furnished by the Natives themselves. It is well known that Government contributions in money are regarded by many of the best and ablest of the race with much suspicion, as a sort of bribery from which they count it a point of honour to stand aloof. Nor could anything be less wise than to pauperize the people, and to destroy the self-reliance of the Native character, a point in which it greatly resembles our own. It may be comparatively easy to produce an outside show of order; but if there be on the part of the Natives no sacrifice or effort to maintain

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the system, no contribution of money or labour towards it, there will be in it little of reality or of permanence.

There is in the Native population a readiness to make efforts and sacrifices for the support of institutions which they clearly see to be beneficial, and in the working of which they have a practical share. Of this a striking example is furnished by the conduct of some of the tribes of the district between the East Cape and Poverty Bay. Within a period of five years, from 1859 to 1863, and that a period of distrust, trouble, and war, there were contributed for the endowment of Native clergymen more than 1,300*l.*, and for the endowment of the Bishopric of Waiapu (after the decease or resignation of the present Bishop) the sum of 589*l.* 11*s.* 9½*d.* Every one of these sums of money represents a large amount of effort and co-operation; for the Maoris are rich in land, poor in money. We need not doubt then of their willingness to contribute land towards the permanent support of institutions for the purposes above mentioned, provided they have themselves a reasonable share in the working of the system. Care will of course be needed to select for this purpose lands which, by reason of some peculiar advantage of position, may be sure to be in demand for permanent occupation by tenants.

In cases where, from one cause or another, it may prove impracticable to provide a direct endowment in land for the purposes here mentioned, an indirect mode of attaining the same end will be afforded by the system of public sale. A certain per-centage on the proceeds of the sale may be retained and invested in the purchase of land to be held as such endowment.

Administration of Justice.

9. Thus far I have considered the operation of the new Act as capable of being made instrumental for the purpose of reviving or creating among the Native population a sense of the substantial benefits to be derived from their connexion with us. I have been looking chiefly to present difficulties, and the prospect of escaping out of them into a better state of things. But in all our operations it is necessary to look beyond this, and, even from the beginning, so to direct and shape our proceedings as may most facilitate the establishment of a permanent and legal order of things. Therefore, from the very beginning, we must form to ourselves some distinct conception of that which we desire to establish.

It is quite true that there is no use in attempting to force institutions on people who do not desire them, or to push them on over-rapidly whilst a population is ill prepared for them; but it is exceedingly important to miss no opportunity of introducing them that may offer itself. For this end, then, it is necessary that we shall have considered the whole matter beforehand, and formed our plans for acting when the time comes.

I think it will be admitted by all that our system ought to be something simple and intelligible in itself, and free from all complication and causes of unnecessary delay; moreover, that it should be so modified from our own system, and so far adapted to the condition of the Native population, as to remove prejudices and obstacles, and to make the transition from the one to the other as easy as possible; lastly, that it should be such as may be combined easily with the general system of the Colony, and ultimately blended therein. If the procedure be tardy or costly, or clogged by a necessity of referring frequently to the seat of Government,—and especially of references backward and forward from one Government office to another, from one person uninformed and uninterested to another equally so, and back again—it will most surely fail in its object; it will never come to be valued or respected by either race, and it will never beget a peaceful and contented spirit in the population. To the Maoris resident in the Native districts the necessity of referring for a settlement of disputes to the seat of Government, or to the nearest English town where a judge is to be found, is a very great grievance and evil. When parties come on such an errand they often hang about the town with wives and children, either at the charge of the Government, in which case they linger on, becoming gradually pauperized; or, if at their own charge, incurring debts on a ruinous system of credit. Of course the leading practitioners, whose hands are already full, are not inclined to take business of such a kind. Even if such a man is moved to take it up, all must be done through interpreters, and therefore at an increased cost. And it may, after all, be found that the ultimate point in dispute is one which is excluded from the jurisdiction of our ordinary courts. If we wish to commend to the Natives our ways of proceeding we must clear them of the many difficulties which beset them now. In this respect the present state of things is more likely to create disaffection than to remove it. Instead of bringing the Natives to our courts of justice we must carry our courts to them. How then is a speedy and efficient administration of justice between the two races, in matters criminal and civil alike, to be established and maintained?

Native Districts.

10. In the first place I assume it as settled, that for this purpose the country is to be divided into districts in each of which districts a Civil Commissioner is to be placed. It appears essential that the district should be no larger than such as can be effectually supervised by one man, subject only to such amount of control from the seat of Government as may be absolutely necessary; and even that control exercised, as far as possible, through the Commissioner himself.

The district of the Civil Commissioner should not be merely a geographical division of the country, but rather its extent and boundaries should be determined by considerations of relationship and intercommunication subsisting between the Native inhabitants. It should comprise tribes or divisions which have a common sentiment and generally act together, already feeling themselves to be naturally one, and which are thereby in a certain degree prepared for union of administration under our system.

In the following remarks it will be desirable to sketch a district fully organized, with all such subordinate officers as may be needed in any case. But I do not mean that we ought at once in every district to seek to set up such complete organization. On the contrary, I should prefer to set it up nowhere, except on the requisition, or at least with the assent of the population. In a large part of

the country our objects might for some time to come be best advanced by the appointment of a single officer, who should be rather a Resident than a Magistrate, ready to advise and guide whenever there should be an opening, but claiming no coercive jurisdiction whatever. Such an officer would be the root, out of which the full system might grow in due time. I return now to a sketch of the system, as it should be completed and established, whenever the course of time and circumstances may allow. A completely organized district would have for its officers a Civil Commissioner, Resident Magistrates, and Native Magistrates. Out of the number of the Resident Magistrates the more experienced and able would be selected to fill vacant Commissionerships. The several places and functions of these officers should be so clearly defined as to prevent clashing. A multiplication of officers either co-ordinate with one another, or in an ill-defined subordination, is sure to be a source of weakness and inefficiency. Starting, then, from these principles, we shall consider first the relations of the several parts of the proposed system, and next the rules by which the several parts are to be ordered; with a view throughout to the utmost simplicity in the organization of the district, and to its completeness, as far as possible, within itself.

Native Courts.

11. In the first and lowest place we shall have Native Magistrates settling questions between Maori and Maori. It is necessary to uphold these Maori Courts, not only because we have in some sort ourselves set them up, but also because it is impossible in dealing with this people to create and keep in efficient working any system in which they do not take some practical part. Above all it is to be remembered that these Courts are absolutely necessary for the purpose of effectually carrying the operation of law into the remoter parts of the country and over the whole of the scattered population. If this object is to be effected it must be by guiding and supervising Native efforts for that end, not by attempting to do the work ourselves. We have neither money nor men for so vast an undertaking.

But if it be necessary to sustain these Courts, not less necessary is it to restrain them. For there is no doubt that at this time they are, in many parts of the country, often grievously perverted, and made instruments of oppression and wrong. The smallest grievances are hunted up and arbitrarily treated as offences against the law; and even in the case of real offences, fines altogether unreasonable in amount are often imposed, out of which the administrators of the so-called law pay themselves for their trouble. Bad as this state of things is, no better could be reasonably expected from the history of the system, which I will briefly recount. We began some years back by appointing certain chiefs to administer justice among their own people. We called them *Assessors*, though in the Maori forms of appointments they were called *Kai-whakawa*, or Magistrates. It was of course intended that they should learn something of law before they began to administer it. With that view, it was arranged that the Chief English Magistrate in each district should hold periodical circuits, and so both orally expound and practically exhibit to the Assessors the rules and methods of our laws. Unfortunately, it came to pass that the proposed circuits were not holden and the desired instruction not given, though the need was growing every day. Accordingly, the Native officers set themselves to do the work in their own way. The result has been such as strong wills acting ignorantly, with little instruction and less supervision or control, might be expected to produce. The new principle of law was taken up earnestly, and carried through the country by Native agents, just as the Gospel itself had been to a large degree carried through the country in former years. What was understood by law was this: that all grievances and causes of strife were to be removed for the future by peaceable means—by decisions formed, and penalties imposed, after public discussion,—not as in old times, by intimidation or force. Each set of administrators set itself to carry out this general principle as best it could, and assumed at once the fullest powers for that purpose; that is to say, the power of determining both what matters should be treated as offences and also the rule according to which they should be dealt with. In general, they followed so much of the English procedure as they happened to have learned by observing the practice of English Magistrates.

It is now essential to supply the omissions of past years, to try to complete these our own half-formed institutions, and to supply the instruction and supervision which are necessary to ensure their usefulness. In effecting this reform, it is necessary to deal tenderly with all that exists and which has acquired a certain degree of acceptance, and to use and incorporate it rather than to destroy it; especially to accept and encourage the spirit of self-reliance and self-government, which, however untrained and undisciplined, is present in the Maori mind.

The first step, then, towards terminating this lawlessness under the name of law, is to establish and carry out thoroughly the fundamental distinction between the two separate businesses of making law and of administering law; between *Councils* to frame rules and *Courts* to enforce them. The distinction itself is apparent to every intelligent Maori, when he is reminded of it; and is clearly expressed in his own speech. For the two functions can hardly be more aptly distinguished than by the two phrases, *whakatakoto tikanga*, literally, to lay down a rule; and *whakahaere tikanga*, literally, to set a rule agoing, that is, to put it in operation. For this end the jurisdiction of these Courts should be exactly defined, and a careful supervision kept up to prevent any transgression of the limits assigned to them from time to time. The Magistrates must be tied down to written rules, and checked as English Magistrates are checked, whenever they act in any way in excess of their jurisdiction. In case of any such Court assuming to exercise a jurisdiction not so given, a reference should be open to the Court of the Commissioner, who should have power to award damages. The Commissioner would possess the means of enforcing his own decision, the salaries of the Native Magistrates being paid through his hands.

As to the constitution of these Courts, the first reform needed is to remove their tumultuary and irregular character, and to reduce them within proper limits as to number and order. Yet as the

men who are now considered members of the village assembly are equal or nearly so among themselves, and have been in possession of equal power, and are about equally informed or equally ignorant, it is not practicable or even reasonable to begin by disfranchising a portion of them. The simplest way appears to be to treat all these persons as jurymen, with no other limitation than that which is imposed by our own Colonial Jury Law, namely, that they be persons of full age and of good repute. The list should be subjected yearly to a public revision. The process of winnowing such bodies is one which the Maoris well understand, and has been brought into operation already in the North.

The experience of Sir Alexander Johnstone, when, many years ago, he introduced a similar jury system among the Natives of Ceylon, showed that great social benefits might flow from it. To be on the list was to be certified as a man of good character and trustworthy; so a place on the jury list became an object of village ambition.

On every trial the Maori Magistrate should act with a jury of four persons selected by ballot out of this list, after proper challenges. Without such support his authority and coercive power will be small. A jury of four is already allowed by the "Jury Law Amendment Act, 1862." I think that such a Court might be so worked as to create confidence and obedience. The Court would be in fact much like the *panchayat*, which Governor Gore Browne recommended; the simple and effective institution which has from time immemorial, through a long series of conquests and revolutions, supplied the needs and secured the tranquillity of the village communities of India.

The limitations on the jurisdiction of these Courts should have reference to the nature of the proceedings, to the competency and fitness of the tribunal, rather than to the amount sued for. As to the amount, a sufficient check would be supplied by the power reserved under the rules circulated by the Government in 1859, namely, the power of revising the sentence by reducing the amount of the penalty or damages. In this way the authority of the Queen is commended to the Natives by being interposed only in the form of protection and mercy.

Between themselves, and in their own Courts, there ought to be no bar to proceedings in the nature of actions of *trespass*, *ejectment*, &c. in respect of Maori land; but the decisions of such Courts should not be accepted as conclusive evidence of the title, until confirmed by the Land Court.

Every decision should be recorded in a book to be supplied for that purpose to the Native Magistrate, and be inspected by the Resident Magistrate on his circuits, to be made at short intervals through his district. Native Magistrates, when once fully appointed, should not be removed, except after full opportunity has been given for explanation of the acts complained of.

In these Native Courts the Resident Magistrate should be at liberty to take his seat at all times, not so as to take the place of the Magistrate or to weaken his authority in any way, but rather to help and direct him.

Resident Magistrate.

12. As to the jurisdiction of the Resident Magistrate in settling civil questions between English and Maori, sufficient provision is made by the existing law. Their decisions in such cases should be subject to an appeal (under proper restrictions) to the Civil Commissioner. The Resident Magistrate would also exercise the ordinary summary jurisdiction in criminal cases, and also the ministerial jurisdiction with a view to trial before the Civil Commissioner or the Supreme Court.

Civil Commissioner.

13. Coming now to the question of the jurisdiction to be given to the Civil Commissioner, I find in the Memorandum submitted to Governor Grey by the Colonial Ministers in November 1861, a recommendation that all criminal cases arising in Native districts should be disposed of in the Commissioner's Court, excepting only cases of homicide. The Ministers go on to say, "The District Commissioner will be a person of personal character sufficiently high to create confidence in the decisions of the Courts which he superintends; and ultimately the Governor in Council has the power of pardon. The proposal to establish regular circuits of the Supreme Court, Ministers submit to be premature; they think that for the present the Supreme Court should be resorted to in the case of homicide alone, in which case Ministers concur in the very great importance of the trial taking place in the district where the offence may have been committed—a proposition which will, no doubt, be fully appreciated by the Native race. The Supreme Court could in such cases be put in motion by Special Commissions. Ultimately, when more complicated relations arise between the Natives and Europeans living together, regular circuits will no doubt be desirable." I would propose that resort should be had to the Supreme Court, in the way proposed by Ministers, not only in cases of homicide, but also in cases of any actual violence of a grievous kind to the person of man or woman.

With this exception, all cases civil and criminal, where the defendant or accused person is resident within the district, should come within the jurisdiction of the Commissioner. Also that jurisdiction should attach equally, whether the offence or cause of action arose on lands held under the Native tenure or under Crown grant. The accused should in all serious cases arising between the two races have if desired the benefit of a *mixed Jury*, a device which was long employed in England for the settlement of questions between persons of different races, and is to a considerable extent recognized in the Jury Amendment Ordinance of 1844 and in the Jury Amendment Act, 1862.

To guard against an occasional failure of justice, it might be provided that if three-fourths of the jury pronounce the accused guilty, it shall be competent for the Judge or Commissioner (if he agree with the finding of the majority) to award such punishment as he shall think right, within the limits allowed by law. With this exception, offences should be dealt with by the Commissioner and a mixed jury, in all respects according to the ordinary course of procedure; the sentence being of course subject in this, as in all cases, to be remitted in whole or in part by the Governor.

Police.

13. The number of serious crimes committed in Maori districts has hitherto been small. But it is necessary, in order to quiet men's minds and to keep up confidence and good feeling between the races, that proof should be given, when needed, of the existence and nearness of a power strong enough to repress wrong doers and protect the peaceful and well-disposed. For this purpose an efficient police force is needed, which should receive its orders from the Civil Commissioner. A Native police force might be raised by calling on the friendly tribes throughout the country to supply volunteers. No combination need be feared in such a force. The position of every such guardian of the peace should be made valuable and honourable. Their duties should be clearly defined. Amongst ourselves in old times the duties of ministerial officers of the law were in some cases set out very minutely in the oaths of office. Some such forms might, under our circumstances, be found useful, and be made impressive by being formally and publicly administered before the Commissioner.

Civil Cases.

14. In *civil cases* the Commissioner should exercise within his district all such powers as by law belong to a judge of a district court, mixed juries being employed here also in cases above a certain amount.

English Procedure to be modified.

15. In order that the system here sketched out should be complete, that is to say, should carry within itself all requisite powers up to the full measure of the need, it will be necessary, in cases between persons of the two races, to allow a certain departure from the usual course of English procedure. I refer to the rigid separation between the civil and the criminal consequences of a wrongful act, which in England is even now so strict as to render necessary in most cases an entirely distinct set of operations to enforce each of those several consequences. This state of things appears to be traceable, not to any deliberate judgment or purpose of our forefathers, but rather to the historical circumstances under which distinct branches of our law grew and extended themselves; and especially to the old rule according to which certain forfeitures accrued to feudal superiors in consequence of such acts as were pronounced by the courts to be *felonious*. The feudal lawyers, therefore, were led to mark very strongly the distinction between *felonies* and mere *trespasses* or *wrongs*. At this day the contrary principle is steadily infusing itself into our English system; and it is coming to be accepted as a maxim, that when two litigants are at issue in a court of competent jurisdiction, the facts of the case should be then and there investigated once for all, and all the redress which the law will give, be given at once.

In conformity with this sound principle, the proceedings in the Commissioner's Court should be such as to give complete redress. If, for example, an unlawful taking of property be complained of, the Court should inquire into the case, and deal with it according to the result of the inquiry. If it be found upon the trial to be only a trespass, the complainant should be at liberty to adduce evidence of the damage caused by the trespass, and should recover accordingly. So if a man be wantonly assaulted, and receive injury, either in person or otherwise, damages should be awarded, and a fine imposed at the same time. The Colonial Ordinance of 1845 leaves room for carrying out this principle in cases of summary proceedings for assault, but falls short of the mark by leaving to the discretion of the magistrate that which should rather be prescribed by the law.

Outstanding Claims.

16. As to the civil jurisdiction of the Resident Magistrates, a very serious difficulty is presented by the relations generally subsisting in many of the remoter parts of the country between the European traders and the Natives. All reports agree in representing the amounts of outstanding debts or claims to be very great, and that a very sore feeling on both sides has grown out of them; each party charging the other with dishonesty, and both parties being in many cases greatly to blame.

I will cite one passage from the report of Colonel Russell, Civil Commissioner of Hawke's Bay in June 1862: "I explained to the Natives the proposed institutions, but met with small encouragement. I believe this arose in some measure from the fear which had been impressed on them, that debts which are brought against them to the extent of 400*l.* by one European, of 500*l.* by another, and of 700*l.* by a third, would have to be paid up now that law and order were to be established. I believe that such claims extend all over the province, and that 10,000*l.* would not cover them. My present interpreter, Mr. E. Hamlyn, estimates his claims alone at 1,000*l.*"

It is plain that it would be inequitable to use the authority of the proposed new Courts, and the compulsory action of the law, for the purpose of enforcing contracts entered into in a full belief on both sides that no speedy payment was to be expected, and that no legal process would be available. On the other hand, every facility should be afforded for a speedy and fair adjustment of all such outstanding claims. It should be competent for the Commissioner, with the consent of both parties, to settle such disputes as an arbitrator, with full discretion to allow on the one hand such price as at the time and under all the circumstances might be reasonably charged, and, on the other, to allow all fair claims to be set off on the part of the purchaser, and to make such arrangements for payment by instalments as might appear to him reasonable under the circumstances.

Contracts respecting Land, Vessels, &c.

17. The utmost care should be taken for the future to guard against evils of this kind, in respect of money dealings between English and Natives. Such matters are apt to be regarded as minute and

insignificant, but in truth they are of great moment. A few special regulations, adapted to these cases, would be of great service. The lack of such regulations has produced much disaffection and much demoralization. In various places grudges have been strongly felt for years by men, who believe themselves to have been wronged. The fraud of one Pakeha has often been retaliated upon others who have had no share in the fraud.

Thus, all contracts for the occupation of land, all licences to cut timber or to pasture cattle on land, should be in *writing*, both in English and Maori, and should have a memorandum written or endorsed thereon, signed by the Civil Commissioner or Resident Magistrate, certifying that he has caused the same to be read over both in English and Maori to all the parties in his presence, and that the same was perfectly understood by them. A promissory note in English only should not be valid against a Maori. It should be laid down as a general rule that no action should be allowed for any debt exceeding a certain limit, unless the contract were made in the way above mentioned.

All contracts for sale or transfer of any ship or vessel, or otherwise concerning any ship or vessel, should be subject to the like regulations. This point is one of the utmost practical importance. Frauds committed in respect of the purchase of small coasting vessels have, in some parts, caused extreme irritation and soreness against the Pakeha. For it has happened repeatedly that a whole community, being keen to enter into trade with Auckland, and having set their hearts on some particular vessel, have combined their efforts to raise the price. They have worked for months in an English settlement for the purpose of providing the instalments of the purchase money; and then in the end have found that the vessel has been transferred to another purchaser, or removed out of their reach, and that, by reason of the insolvency or disappearance of the person they have dealt with, all chance of obtaining compensation, or even of recovering back their instalments, has been lost. Cases of this kind have produced great dissatisfaction and a strong feeling of distrust towards our whole system. In all future transactions of this kind, where instalments or other monies shall be paid in respect of the purchase of a vessel, which shall not be in possession of the parties making the payment, such instalments should be paid over into the hands of the Civil Commissioner or of a resident magistrate, and impounded until the completion of the contract.

Rules in purely Native Cases.

18. In cases between Maori and Maori, there is still more room for departure from our English system. For here, in the first instance at least, our object is to get *some* law established and obeyed—the substance of law rather than any particular form of it. Here we should bear in mind that the old usages and ways of thinking of a people cannot be changed all at once, and that the laws of England, venerable and useful as they are, are not part of the laws of nature. The fitness of a law depends largely on time and place and many circumstances. At different stages of our own history our laws have varied greatly. The English Commissioners on Criminal Law say justly (7 Report, p. 92), “Penalties, being a positive institution, vary exceedingly in different nations, and even in the same country at different times, according to a great variety of circumstances and opinions. According to the Mosaic, and also according to the Roman law, the crime of theft was punishable by compelling a pecuniary compensation to the party injured; by the ancient law of England the crime of theft, where the thing stolen was above the value of 12*d.* was punished with death. At the present day the maximum of punishment is transportation for seven years.” Even since the date of that report another important change has taken place.

There is no reason, then, why the usage which has grown up in Maori districts, of punishing theft and other criminal acts with a fine (over and above compensation, in cases where restitution is not possible) should not for the present be retained. The power of imprisonment should be reserved in aid of that usage, and not used instead of it.

It ought to be remembered that our English system has been throughout its growth singularly indulgent and tolerant towards special and local customs. The progress towards uniformity of law and procedure has been very slow, and in England itself at this day there is nothing like a complete uniformity. If we are to determine what is English by reference to the history and practice of England it may safely be said that nothing is less English than an attempt to force one system upon all persons at once, without regard to their different circumstances and degrees of preparation for it. By the Acts passed in 1848 for regulating the local affairs of Native districts, and for the administration of justice in Native districts, the Legislature of the Colony has fully sanctioned the principle of modifying our own rules and usages so as to suit the peculiar circumstances of the Native people.

District Council.

19. This brings us to the consideration of the constitution and powers of the *District Council* itself, the only body in the district which will exercise functions of a legislative kind, that is to say, the function of making rules and regulations for the district, and that of appropriating the yearly income of the district. In this part, also, we should conform, as far as circumstances may allow, to English modes of proceeding. This Council, then, should not consist, as has been proposed, of magistrates and officers sitting therein by virtue of their offices. Such a constitution, besides being an un-English one, would tend to keep up that existing confusion of which we have spoken, between the two distinct functions of making and of administering law. Moreover, it will not probably happen that the favourite orator of a village, and the man best qualified to be a magistrate, will be one and the same person. The Council should then be elective. To make it elective the machinery is ready to our hands, and most simple. All persons on the jury list of each village are to be deemed electors. A set of villages grouped together, according to local convenience, form one electoral district.

It will probably not be found necessary to call this Council together more than once, or at the most twice, in the year. The occasion of its meeting should be made a sort of festival. A moderate sum might usefully be contributed by the Government in aid of the cost.

By holding the sessions of this Council in the several court houses of the district in succession, the burthens and the benefits of the system might be equalised throughout the district.

Such a district council may (as has been proposed) continue in office for a term of four years. As to the two kinds of business which will belong to this council—the former, namely, the business of framing bye-laws or special regulations for the district, may well be reduced within narrow limits; for such regulations as will be absolutely necessary, may, for the most part, be laid down beforehand, and amendments will be needed only occasionally. But it is a great matter to provide for such bodies a regular supply of practical business simple in itself, yet of such a kind as to interest many persons. This kind of business will be supplied by the general superintendence of the lands appropriated for endowment, and the appropriation of the income to be derived from these lands, in conformity with the rules framed by the council and assented to by the Governor. Also the fines and fees coming in from the several Native courts would be disposed of by the same authority for the benefit of the district, subject to the like assent.

So the contributions to be made in labour or materials towards buildings and other works for the benefits of the district, in return for Government aid in money, should be made a matter for discussion and arrangement by the District Council.

If business of such a kind be transacted in an orderly and becoming way, the District Council will be a valuable means of Native education and advancement. The experience of Bishop Williams in the sessions of his Diocesan Synod at Turanga, suffices to show that a satisfactory result may be expected, wherever the like pains are taken.

It might be well to let the panel, from which the members of the Land Court are to be taken, be subject to some sort of revision by the Council; which would cause the operations of that court to be felt as more authoritative and binding. The proceedings should be opened by an address from the Civil Commissioner; but a Native should preside during the discussion, to be aided and advised (if necessary) by the Commissioner. It is of importance to find in our system positions of honour, such as the leading men of the race may be willing to accept.

Book of Laws.

20. At this time we are requiring the Natives of this Island to submit themselves to the laws of England, and are assuring them that, if they do so, they will receive therefrom protection and manifold advantages. It is therefore reasonable, and indeed necessary, that an attempt should be made as early as possible to do something more than this; not merely to propose general invitations and assurances, but to convey to their minds a clear notion of the main rules and requirements of our law. Now is the proper time for completing the work which was begun by Governor Browne in 1858. The publication put forth by the Colonial Government in that year, under the title of "The laws of England," was chiefly devoted to an exposition of the principles of the criminal law as administered in the Supreme Court of the Colony. At present an exposition is needed of other portions of our law, in particular of the rules which concern the devolution and transfer of property, the making and enforcing of contracts, and the modes of obtaining redress and compensation for loss or damage caused by breach of contract or any wrongful act. There are at this time many Natives in this Island who are well qualified and desirous to receive instruction on these points. Besides, as it is impossible to carry law throughout this Island without Native agency, one of our first objects should be to raise a supply of men competent to act as magistrates among their countrymen, and able by virtue of superior knowledge to command their respect. It is desirable that persons eligible as Native magistrates should pass through a regular course of instruction and examination, and not be appointed until they have been certified as competent. This suggestion cannot be applied to the elder men, who now hold these offices, and whose presence and influence on the side of order cannot, in many cases, safely be dispensed with even for a short season. The best course would be to train promising young men to act as clerks under the magistrates in the first instance, and after due probation to become magistrates themselves.

Representation.

21. Within all districts which have come within the operation of our system of property it will follow that Natives will take a direct part in the political, as well as the legal, system of the Colony, by becoming electors. I understand that even now such is the case to some degree in the south of this Island. This is a result absolutely essential to the end we are seeking, namely, the establishment of a just and equal system for both races. It is one which need not excite any alarm, for the average capacity of a Maori is not below that of many of our present electors. The effect will be to provide the Maoris of the district with a constitutional helper and protector, interested in obtaining their confidence, and able to convey to the Assembly an accurate account of their wants and grievances. Thus the system of representation will yield to the Natives that first and most obvious advantage, which was its chief recommendation in England itself in old time. It will open a path by which a knowledge of local needs or troubles may be carried directly to the Government, and the best modes of supplying or removing them be suggested and considered. The need of such an opening under our circumstances is very great; for such local matters, small in the outset, are apt, if they be overlooked and allowed to accumulate, to become causes of permanent disaffection. That such matters should be speedily and directly brought under discussion is especially to be desired in the case of the Natives; in dealing with whom, a grievance promptly attended to and discussed is already half-healed.

NEW
ZEALAND.

It has recently been proposed that the Maoris should be represented in the Assembly in a general way and without reference to the ordinary electoral divisions. On that plan the members would be rather orators on behalf of the Maoris in general than well-informed expositors of practical grievances and local needs; and the fact of a few members of the Assembly being regarded as specially representing the Natives would naturally have an injurious effect on the rest of the members, leading them to take less interest in Native affairs, and to feel less responsible for the management of them. I think it far better to fall into the existing system. Representation, to answer its purposes completely, should be on one and the same system for all.

Superintendence of the System.

22. We now reach the third main question. Having endeavoured to make our plan itself as simple and as effective as possible, and also to provide the means for keeping it in continued operation, where are we to find the thought and will necessary for the successful guidance and prosecution of the work? In order to succeed in such an undertaking as this, the superintendence of a single authority is needed, to combine the various operations, so that they may support and not clash with one another. And this single authority will need a great knowledge of persons and things, so as to make due allowance for all local or peculiar circumstances, and yet steadily to hold fast to general principles, in dealing with a people naturally disposed to follow precedents, and very apt to remember what has been done in other cases. Above all, it is necessary that some one consistent and well-considered system be carried on steadily for an adequate length of time. In order to secure these requisites, as far as possible, I see only one mode of proceeding that can be recommended. I mean that the plan of operation being once settled and defined by the terms of a statute, and the amount of pecuniary aid being fixed, the working of the plan should be entrusted to a Commission or Board, to a body of fit men, to be permanently occupied with this business alone, and bound to report their operations yearly to the Assembly.

I know that at first sight great objections will seem to lie against this proposal, but I am persuaded that, upon mature consideration, it will appear to be the only one that gives a reasonable prospect of success. To say that the administration of all Native affairs shall be part of the business of the Colonial Secretary, or of a separate Native minister, is to say that which is likely to be popular and acceptable, for it suggests the notion of a victory achieved over a bad system, of an advantage once gained, which it is a duty to maintain for the future. With that, however, I have little concern. I never defended the old system, and have no wish to see the like of it again. A system which involved an indefinite expenditure, without any account rendered to the Assembly, was properly condemned. Moreover, it did not tend towards the solution of the Native problem, for it settled no principles and registered few facts. But, because we have escaped from a bad system, does it follow that we have fallen into a good one? It appears to me that the utmost that can be expected under the present order of things, is that occasionally a competent man will have the guidance of Native affairs for a short time. Yet very much more than this is required for the success of this work. To the proposal formerly made for a Native council there were objections grave and manifest. It appeared to be a plan for withdrawing from the Assembly the control over an important portion of the public business, and over a large and even indefinite amount of public money. We may rather wonder that anything in the shape of a Native council was accepted at all, than that the result was not of a very practical kind. The Assembly, in passing the Act of 1860, declared its belief that some special organization was needed for the successful management of Native affairs.

Now circumstances are much altered. The Native problem has taken a more definite form. The political aspect of the question is giving place to the administrative and social one. We are now able to determine in a general way the operations which ought to be performed in Native districts, and the yearly expenses which it will be necessary to incur. But in order to the successful accomplishment of the undertaking there will be a necessity of determining from time to time, as the work goes on, a vast number of minute and novel questions, to which the best answer will generally be derived from the experience which has been gradually accumulated by the Administrative Body itself. The business will be not merely to administer a system, but to make it as the work goes on. Like cases have occurred again and again in England, where great changes have had to be carried out over large surfaces and under circumstances continually varying. How has Parliament dealt with such cases? Not by Parliament itself, or the ordinary officers of Government, taking charge of the novel undertaking; but by committing the work to a special body of persons, prescribing their powers, and the extent of the resources to be at their disposal, and requiring a periodical account of their doings. Such were the Poor Law Commission, the Tithe Commission, the Copyhold Enfranchisement Commission, and many others.

The great advantage of this mode of proceeding is obvious, and is one which would be in this case of especial value: the question becomes severed from politics. All political parties may criticise the proceedings of the Board: no political party is committed to a necessity of defending or screening them. Moreover, whilst subject at regular intervals to a searching and thorough scrutiny, they are allowed to escape from that series of references and interferences at every step, which paralyse business. Therefore I think that the best course to be taken with a view to the solution of the Native problem, is the constitution of some such Commission or Board.

If it should be found practicable to connect with it Natives of standing and influence with their own people, as proposed by Governor Browne, a great advantage would be secured thereby.

The Board, or central authority under whatsoever name, should do its work through the District Commissioner as much as possible, always, at any rate, after communication with him, never acting behind his back.

23. There is, in the whole question, no element more important than the one which remains to be noticed, the character and qualifications of the persons to be employed as Commissioners or officers in the Native districts. The experience of Native affairs has shown that among the Natives personal qualities are especially influential for good or evil. If such affairs are committed to men whose chief or only recommendation is a knowledge of the Maori language, they will have no fair chance of success. This is not a work to be done by hasty or over-busy or over-bearing men, by men unduly tenacious of their own dignity or unable to subordinate themselves to the object which it is their business to effect. Least of all, is it to be committed to men of openly immoral lives; for such men bring on us dishonour as well as failure.

24. The foregoing remarks are confined to the immediate object of inquiry, namely, the working of the Native Lands Act, and the objects which we ought to aim at in working it. But in substance much of what is here said applies also to those lands which have come into our hands by surrender or by military occupation, and parts of which we have undertaken to restore on certain terms. In those cases also, it will not be safe to content ourselves with simply giving a Crown grant to each individual. If we make no provision to prepare the Natives for so sudden a change, and for the consequences of it (as above pointed out), it is to be expected that the new system, naturally unacceptable when imposed by superior power, will become more than ordinarily unpopular. Either then the issuing of grants in such cases should be postponed until proper legislative provision has been made; or if it be in any case thought necessary to issue the grants at once, yet every such grant should be made expressly subject to the provisions of an Act to be passed by the General Assembly, for defining the rules of devolution and transfer of Native land between the Maoris themselves; and it should be enacted, as in the Native Lands Act, that all dealings or contracts relating to such lands, entered into before the proclamation of such Act coming into operation, should be null and void.

In the cases just referred to we have in our hands the means of rendering our system permanent and self-supporting. We can appropriate so much land as shall be requisite for endowment, both of the judicial system and of schools for teaching the English language.

For the reasons above indicated, it is desirable that native reserves, whether under the Native Lands Act, or under any former law or contract, should be placed under one system of management, and under such local superintendence as might be expected to be most vigilant. It would be convenient that all the Native reserves in the district should be brought under the control of the Native Council of the district and the Civil Commissioner, subject to existing contracts and engagements. All questions raised under the Native Succession Act might be decided, with the least cost and inconvenience, in the Civil Commissioner's Court.

The whole Native business of the district, both as to management of property and as to administration of justice, would then be brought into one system.

25. Thus I have in some sort surveyed the whole field of the Native problem, with an earnest desire to contribute something towards its solution and towards the peace and prosperity of the Colony. The recommendations which to me appear to be at this time of paramount importance are the following:—

1. That the Native land courts be so constituted, especially in respect of the number and standing of the Native members, as to render the certificate entirely trustworthy. For the function of every such court is to ascertain certain matters of fact known within certain limited districts only, and to be ascertained through the Natives of the district themselves. The efficiency of the court, therefore, must depend mainly on the qualifications of the Native members of it; the chief business of the English President being to secure the notoriety, fairness, and regularity of the proceedings.

2. That in order to prevent the land being forestalled by a few to the detriment of the many, and to render the system attractive by assuring the Natives of the fairness of the price, and to save both races from the mischiefs to be apprehended from the solicitations of land buyers, all sales of Native land be by public auction, and be conducted by the Government on behalf of the Native owners.

3. That the working of the "Native Lands Act," after making the necessary amendments therein, and the business of introducing the law and language of England into Native districts, be committed to a separate and permanent body.

4. That civil institutions be not forced on Native districts, but rather be introduced in such districts only as are disposed to receive them; and even there be planted in the simplest form or germ, and left to grow with the growth in the Native mind of a sense of the benefits they confer.

5. That care be taken to provide in every district endowments in land for the maintenance of the administration of justice, and of instruction in the English language, in that district.

Auckland, June 30, 1865.

W. MARTIN.

Enclosure 2 in No. 32.

SIR,

Auckland, December 23, 1865.

I HAVE the honour to address you in reference to the important subject upon which I entered in the notes on the best mode of working the Native Lands Act, and in the letter dated 18th July last, accompanying those notes. Further consideration has confirmed my conviction that there yet remains open to us a course of action whereby we may escape from our present difficulties in Native matters, and may attain the objects we desire, and that by a process neither costly nor difficult. I desire, therefore, now to complete the review of the subject which I then commenced. I feel assured that you, Sir, considering the importance of the matter, will give a patient hearing even to a statement which, from the nature of the case, cannot be very brief. Before proceeding to define the course of action which I desire to commend to the consideration of the Government, it will be necessary to notice our present relations to the Native population of this Island.

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No. 32.

The whole Native population may be roughly divided into two sections.

1. The first section comprises the population in the north, in the Gulf of Hauraki, and in the lower part of the Waikato; and again in the greater part of the provinces of Wellington and Hawkes Bay; and again in various districts about the East Cape, and to the southward of that Cape. These people are, as a whole, desirous of living at peace with us, and the more intelligent of them are convinced that a real union with us is the only means of securing to themselves peace and prosperity. Amongst them many have shown themselves willing to support our cause, even to the death. Yet it is not to be supposed that there exists in these districts universal or complete confidence in the Pakeha; on the contrary, distrust and suspicion exists, even in the most friendly districts. Men, actually engaged in fighting on our side, have avowed that they could not feel assured that even their sacrifices on our behalf would, in the end, secure them just and considerate treatment, and have calmly and reasonably stated the grounds on which it appeared to them impossible to repose entire confidence in us.

2. The second section includes the greater part of the former occupants of the lands comprised within the blocks marked out by various recent proclamations, issued under the New Zealand Settlements Act, in the district of Waikato, and of the south-western tribes from Taranaki to Whanganui, together with all such portions of the Native population elsewhere as have espoused their quarrel. The new Hauhau worship appears to have become, for the present, the recognized bond of union of all these.

Let us now consider separately the elements of which this latter group is comprised.

Waikato.

3. In Waikato a large portion of the Native owners hold their position outside the boundary line traced by the proclamation, kept from their old possessions by the presence of a large force, suffering privations, exasperated but not subdued. If we desire rightly to comprehend the state of mind of these people, we must put ourselves in their place. We must also remember how widely the estimate formed by the Natives of our dealings with them differs from that which is current among ourselves. To them all the doings of the Pakeha present themselves as one great whole. Englishmen are apt to accept various solutions of public questions, which cannot be accepted by them. If the justice or fitness of a public measure be canvassed, we often hear it said, that such a measure was adopted or acquiesced in for such and such reasons, the reasons being oftentimes connected, not with the intrinsic merits of the measure in question, but only with the internal working of our complicated system of Government. The Natives, knowing little of our internal politics, look only at the general result. There is reason to believe that the view commonly taken by the people of the Waikato and Waipa rivers is the following:—They had combined in an attempt to form an independent Government, a movement which they had come to believe right and even necessary. They were told that the name of King would not, in itself, be deemed a cause of war, and the more moderate party were careful not to give to their stronger neighbour any other cause for entering their borders. For a long time they succeeded in restraining their turbulent brethren, even in the face of preparations for war, visibly and steadily advancing on our part. Then came the re-occupation of the Tataraimaka, and the resumption of hostilities by Rewi; and soon after the entrance of our troops into Waikato, two vain attempts were made to withstand our advance by fair fighting. Shortly after, on the 6th December, a letter was written in the Governor's name, to all the Chiefs of Waikato. Your letter of the 2nd December has reached me. Sons, my words to you are these—The General must go uninterrupted to Ngaruawahia (the King's village). The flag of the Queen must be hoisted there; then I will talk to you. The promised conference did not take place. The troops went forward, not indeed to follow Rewi into his territory, but to take possession of the lands of the nearer tribes. Can we be surprised at this course appearing to them severe and unjust, when they saw no distinction made between the two sections, into which the population of Waikato had been divided through the whole period of these troubles; between those who had been driven to take up arms by motives which they could not honourably disregard, and those whose wilfulness had renewed the war, or rather when they saw the less offending heavily punished, and the more offending visited with a comparatively slight punishment?

4. Our adversaries in Waikato believe themselves guilty of no wrong in contending for their nationality. It has not been usual for Maori tribes to yield up their lands to an invader without repeated efforts to recover them. Some may be disposed to submit, but they cannot bind or control their brethren. It may be expected that the majority will have much the same feeling as the majority of our own people would have, if they could be placed in like circumstances. There appears to be ground for the apprehension which has been expressed, that in case of the dispossessed Maoris actually making an effort to repossess their lands, they may find allies on the northern side of Auckland. Persons, who have had good opportunities for observing, report that the presence of the prisoners in that part after their escape from Kawau has generated in some portions of the population a strong sympathy with their cause.

At present there is in the way of any such attempt the obstacle presented by the English regiments, which, in conjunction with the Colonial force, occupy Waikato and Turanga. Whilst this advantage still remains to us, every possible security should be provided against the breaking out of fresh troubles whenever those regiments shall be withdrawn.

The South-western Tribes.

5. From the beginning our relations with the Ruanuis have been unfortunate. The visit of the "Alligator," in 1834, could not leave on their minds any favourable impression. Since we entered the land fewer reclaiming influences have been brought to bear upon them than on most of the other tribes. In Governor Browne's memorandum on Native affairs, dated 25th May 1861, it is stated that

even up to that time many districts, such as Taupo, the Ngatiruanui, Taranaki, and the country about the East Cape, have never been visited by an officer of the Government. The residents in these districts have never felt that they are the subjects of the Queen of England, and have little reason to think that the Government of the Colony cares at all about their welfare. The Ruanuis, like the other Maoris, had seen their own need of being aided and raised. In 1853 they were urgent for a Missionary, but none could be found. At this very time the Bishop of Wellington is building his cathedral church on a site which was given for the purpose by Governor Grey in that year, as a memorial of the earnest desire of these very Ruanuis for Christian instruction, and of their readiness to give annually a tenth part of their produce for the support of ministers of religion.

6. A strong feeling is commonly entertained against the Taranakis, as having rushed into the Waitara quarrel without any immediate provocation. In fairness, it ought to be remembered that circumstances, to them very alarming and irritating, had occurred at New Plymouth a very few years before (in 1855), and had wrought strongly on their minds; and that they then openly declared their apprehension of an attempt by the Pakeha to dispossess the Maoris of their land, and their fixed determination to resist any such attempt. I do not seek to extenuate their misdeeds. I only say that there had been no concealment of their determination, and that there was every reason to expect them to act upon it (Parl. Pap. July 1860, p. 170, and March 1861). Warea, the chief settlement of that tribe, is the place where we now meet the most determined and unceasing resistance. May it not be, that in our recent measures they believe they see the verification of the suspicions they expressed in 1855? I do not say that when these small nations voluntarily come into collision with a great nation, they ought not to suffer for their temerity. I only point out facts, which cannot properly be overlooked in estimating the amount of punishment to be inflicted.

The Hauhau Superstition.

7. Amongst these southern tribes the new superstition had its birth, at a time when the relations between the Pakeha and the Maori were such as greatly to favour its growth. For at that time the suspicions, which had from the beginning existed as to the intentions of the Government, appeared to many of the Natives to be clearly justified. From the very beginning it had been apprehended by some that the English Government would, when strong enough, seize the Native lands. This suspicion was suggested to a number of Chiefs by an English subject, in the year 1814, at Sydney, just when Mr. Marsden was on the point of sailing for this country (Nicholas' Voyage to New Zealand, i. 41). Once kindled, it never wholly died out. From time to time it has blazed forth as at Waitangi, and on other occasions. It was apprehended that the ministers of religion, whether knowingly or not, were employed or encouraged by the Government for the purpose of gradually weakening the power of resistance on the part of the Natives; a view which was favoured by the diplomatic habits of the Native tribes accustomed to seek by craft ends which could not be attained by force. It was seen that an active part was taken by the Missionaries in introducing into the country, first a Resident, and afterwards a Governor. The responsibility which the Missionaries in so doing took upon themselves was rightly estimated at the time by Dr. Maunsell, of Waikato (Parl. Pap. 1841, p. 99).

In 1843 I heard these notions broadly avowed on the shores of Taupo Lake, by one of the leading Chiefs of that district. They gained great strength from the events of 1860. When the southern tribes set up their toll-gate on the coast road, the highest tolls demanded were for ministers of religion, English or Maori. In Waikato children were withdrawn by the parents from the Missionary schools which were known to be aided by grants of Government money. Mr. Gorst, with all his qualifications and resources, could draw into his institution scarcely any purely Native pupils. Many public discussions took place at Tauranga and other places on the east coast upon the conduct of the Missionaries and their relations to the Government.

8. When the result of the hostilities in Waikato was seen, and the soldiers had taken possession of all the lands of the tribes on the Waikato and Waipa, it appeared now clear to many that the old apprehensions had been too well grounded, and that they had, in fact, been the victims of a plot in which the ministers of religion had been the agents of the Government. Along with the first bitterness of their exasperation there broke out a hope that in their extremity supernatural aid was at hand. That aid appeared to be supplied by the new revelation to the prophet, Horopapera Tella. A sort of preparation for the new superstition had been noticed by an intelligent traveller, who passed through the territory of the southern tribes in 1861. After the cessation of active hostilities at Taranaki, there was a widely-spread notion that supernatural help had been already vouchsafed. The vaunted engines of war of the Pakeha had really inflicted little damage. The people stated, that by our Armstrong guns only three persons had been killed. In this they saw a proof that the hand of God had been over them.

The new superstition, having gained strength in the south-west, began to spread northward and eastward. Everywhere very many were predisposed to welcome it. Some accepted it in faith, many in wilfulness and bitterness. Some thought it true, others thought that it might be useful. Some men severed themselves from their Missionaries in perfect calmness and quietness. One of the Chiefs of Opotiki informed Bishop Williams of his conversion to the new creed, in these words, "Bishop, many years ago, we received the faith from you, now we return it to you, for there has been found a new and precious thing, by which we shall keep our land. (Kua kitea tetahi taonga hou e mau ai to matou whenua)." A common feeling united fanatical believers with cool politicians who believed

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nothing, but who kept up the fervour of their brethren by false report of miracles wrought at Taranaki, and of great loss sustained by our troops. The new religion combined men of every sort, from the ferocity of Kereopa to perfect inoffensiveness, some of the best as well as some of the worst of the race. It was accepted as the religion of all who were no longer willing to accept religion at the hands of the Pakeha. As in all times of national ferment, the fiercer and more determined natures got the lead.

In the beginning of the war the Kingites had prayed for their King after the form in our Prayer Book, and that sometimes with fasting and great earnestness. Now a new form of prayer was put together, and the new worship was accepted as the bond of union amongst all who still adhered to the cause of the Maori King.

9. No spot in the Island was better prepared to receive this fanaticism than Opotiki, in the Bay of Plenty. The people of that place had sympathized with Waikato, and some of them had taken part in the war. Various circumstances had caused their minister, Mr. Volkner, to be suspected of being in secret correspondence with the Government, on the subject of their disaffection. The feeling of the people became more bitter when their leading Chief, Aperotanga, who had been wounded and taken prisoner by our allies, the Arawa, was murdered by a woman of that tribe (the widow of Pekama Tohi) in revenge for the death of her husband, who had fallen in the war. Yet this provocation did not at once lead them to retaliate upon Mr. Volkner. Even two men of the offending tribe, who had come into the district of Opotiki from the eastward, in ignorance of all that had passed, were spared. The cry for blood, which arose from the widows, was rebuked by a woman; and the men were fed, conducted to the western boundary of the district, and sent on their way.

Mr. Volkner having again visited Auckland, was continually troubled by the thought of the miserable condition of his people. Their cultivations had been neglected, and a low fever caused by lack of food, had carried off more than 150 persons. It appeared to be worth while to try the effect of an attempt to minister to them in their distress. He resolved, therefore, to revisit them, carrying with him wine and quinine, though, as he said, "it was doubtful whether in their then state of mind, anyone "would take such things from his hands." These were amongst the last words I heard from his mouth. In the meantime, a party of the Hauhaus from Taranaki had crossed the country to Opotiki. They had determined early in the year (1865) to carry the war to the opposite extremity of the Island, and to divert part of our troops thither. So they marched across to Taupo Lake, and thence to the Bay of Plenty; on their way they passed near the station of a Missionary (Mr. Spencer), who has remained through all these troubles unharmed, at his station on Tarawera Lake. They reached Opotiki seven days before the vessel which carried Mr. Volkner thither. Every night the leaders of the party harangued the people on the conduct of the Missionaries. One who heard them reports that the burden of their discourses night after night was the same. "These men (said they) were always "telling us, set your affection on things above, not on things on the earth; lay up for yourselves "treasures in Heaven; and so, while we were looking up to the Heaven, our land was snatched away "from beneath our feet." After two days, the house of the Missionary was plundered, and the goods sold to the bystanders. After five days more, a small vessel was seen entering the river, and it was discovered that Mr. Volkner was on board. As the people clustered on the banks of the river, the Hauhaus leaders pointed to the vessel as a proof of the magical power of the new worship, which had so brought their betrayer into their hands.

10. Even after this foul crime the superstition continued to spread. Patara, who was himself not present at the murder, proceeded with his party to Turanga. He kept Kereopa in the back-ground, and spoke of the murder as a misfortune, a great blow to a good cause. Even then, men who had for years exhibited a sober, thoughtful character were induced to join, carried away by what the Maori calls "aroha ki te iwi" (pity for the people), what we should call a strong sympathy with the natural cause. The Maories were strongly affected by the novel practices and the fervour of the worship, and especially by the bitter crying and wailing for their countrymen slain, and their land seized by the Pakeha.

It is plain that this delusion has no real strength, and that Maoris drawn by various motives and influences to support it do not fight as well as others have done who believed their quarrel to be just. And we see that those who have recently submitted and taken the oath for the Queen, have, as a matter of course, dropped at the same time the Hauhaus worship. Moreover, this very crime has roused into action a body of Native allies in the same part of the Island, a resolute minority, whose bravery and knowledge of the country have proved of essential service. A like effect was produced, as you are well aware, in Hawkes Bay, and elsewhere. Perhaps the Government may not be aware that some Native magistrates from the Gulf of Hauraki and the Thames came up to Auckland to propose a combined expedition of "all the churches" (as they worded it), for the purpose of crushing the guilty tribe. At that time there was no person in Auckland to represent the General Government. The resistance then on the east coast is less formidable than that on the west; still that radical evil remains, of which the acceptance of the Hauhaus creed was an indication and a measure. The practical fact with which we have to deal is this: the old feeling of distrust and exasperation towards our Government has been strong enough to lead thoughtful men incapable of being parties to such acts to join the Hauhaus cause, even after the commission of the great crime at Opotiki. This is our real difficulty, the same in kind as ever, but greater in degree. I believe that this feeling is now more deep and more widely spread than at any previous time. I believe there are now many who are convinced that we are determined, even by fraud and violence, to get possession of their land, and force our dominion upon men who have never consented to it. Many, therefore, on their part determine to hold their

own as best they may, and are content to sacrifice their lives in the contest. The state of the case is this: We have put too great a pressure upon these people, more than they can bear, more than we can continue to exert. We have driven many of the Natives into a state of determined resistance, bordering on desperation. We have brought upon ourselves the necessity of bearing burdens beyond our strength.

Need of Peace.

11. The practical business before us is, first to terminate the present evil state of things, and then to take such measures as may introduce a better state, and render it permanent. The obstacles to be overcome are not merely physical but moral; and such as mere physical power, even if it were at our command, could not remove. Moral means must be employed, and it is in the nature of such means to work somewhat slowly.

For the whole country, for both races, peace is necessary. Some settlement is needed, such as may be depended on as complete, safe, and trustworthy. I think, Sir, there is no chance of any settlement being such, unless it be such as to show moderation, if not generosity on our part, and to exhibit a clear distinction between the different classes of our opponents. As to the blocks included in the proclamation under the New Zealand Settlements Act, the reasons urged in my letter of 18th July last, for resorting to cession instead of mere seizure, appear to me to receive additional weight daily as the real state of things becomes more manifest to ourselves, and also to our adversaries. If we consider the relations between the two races from the beginning, and the history of this quarrel, there appears no reason why we should make the terms of submission as exasperating, and not rather as palatable as possible consistently with the establishment of our authority and the permanence of peace. Our best security against a desperate effort being made by some section of the expelled Natives to reoccupy the lands taken, and the recurrence of such miseries as we have just emerged from, lies in our so acting as to turn the general opinion of the Maoris against making any such attempt, and so convincing the most hostile that they will have no support or sympathy from the great majority of their countrymen.

Happily the language of the recent proclamation of the 2nd September 1865, shows that the more liberal course is proposed to be adopted. "Out of the lands which have been confiscated in the Waikato and at Taranaki and Ngatiruanui, the Governor will at once restore considerable quantities to those of the Natives who wish to settle down upon their lands, to hold them under Crown grants, and to live under the protection of the law. For this purpose Commissioners will be sent forth into the Waikato, and the country about Taranaki, and between that place and Whanganui, who will put the Natives who may desire it upon lands at once, and will re-mark out the boundaries of the blocks which they are to occupy. Those who do not come in at once to claim the benefit of this arrangement must expect to be excluded." But a considerable time must be given for that proclamation to work its due effect. To require a speedy acceptance of our terms would be to require that which in the present disorganization of the Maoris, or rather in the new combinations into which the war has thrown them, is not possible. Besides, men who believe themselves wronged do not very readily come into terms.

The great principle of all our policy towards the Natives, the one hope of success in overcoming their fear and distrust of us, was expressed by the first Native minister in words which ought not to be forgotten—"The fears of the Natives can be calmed, and the peace of the country secured only by a policy which sincerely seeks not theirs, but them." (Mr. Richmond's Mem., p. 25.)

12. It is clear that no policy can succeed and secure peace for the future, unless it be in accordance with the actual facts. And out of our troubles this advantage at least has come, that we have been brought by them nearer to the facts. The prisoners at Rangariri, and again at Weraroa, have been treated as prisoners of war. It has been recognized as a fact that the tribes with which we are at strife are for the most part, not in the strict sense, subjects of the Queen, though included within the dominions of the Queen.

Not only in newspapers, but in public documents, from the commencement of these troubles the hostile Maoris have been called rebels. It is now admitted that a large portion of the Native population has never intelligently or at all assented to our dominion, and therefore remains where Captain Hobson found it. Such portions of the population are still what the terms of our first national transaction with them admitted them to be, and what (as I showed on a former occasion), the Natives of North America have been uniformly recognized as being, that is to say, small communities, entitled to the possession of their own soil and to the management of their own internal affairs. This is for them an unsafe position, for they are subject to the risk of a war with their strong neighbour; for both, it is an undesirable one. But it is their position at present. Those therefore, who are actually in arms against us are to be regarded as enemies in war, as hostile but not as criminal. If so, then so far as these communities are concerned, the acts and proclamations are not properly laws, but simply announcements that the stronger power will take the lands of the weaker. The taking itself is an act of war, an act of the Queen to whom alone belongs the prerogative of peace and war. It is for the English nation therefore finally to determine how the "Giant's strength" of England is to be used. The object of the war itself was to repress and terminate the efforts which the Natives were making to set up a separate nationality, an effort dangerous to both races. But though that effort was a great folly, it was not a great crime.

In respect then of these portions of the Native population, let our policy be conformed to the facts. Let us not attempt to exert an authority which we do not in fact possess, and which upon our own

principles we cannot claim. Let us abstain from any attempt at direct or internal control over them, and from threats. They may be warned of their insecurity, and assured of our readiness to extend our system to them whenever they may desire it. Then let us leave them alone until the present exasperation shall have ceased, and time shall render them more reasonable and disposed to union. It is idle to attempt to force our laws on people whose very principle of union amongst themselves is a common determination not to submit to our authority; and whilst the attempt involves the carrying on of a chronic war, and destroying those whom we are seeking to benefit and professing to govern.

Legislation in Native Matters.

13. In proceeding to consider the mode of dealing with Native affairs for the future, I begin with the source of legislation, the General Assembly. We are all agreed that the General Assembly should become the one acknowledged Legislature for both races; but it would be a great error to assume (as is sometimes done) that the Assembly has actually attained this position. Can we maintain that the Assembly at present possesses constitutional and rightful authority over these people? Rather our business now is to find some way by which it may be brought into possession and exercise of such an authority.

As to the former, how is the English Crown to transfer to the Assembly the obligations which it has contracted in respect of those portions of the Native people who have assented and adhered to the authority of the Crown without their assent or manifest acquiescence? without at least every possible precaution and safeguard for a fair and beneficial exercise by the Assembly of that power which the Crown finds itself unable to exercise? And as to the tribes who have never assented to our dominion, how can the Crown bestow on the Assembly an authority larger than that which (as we have seen) the Crown itself possesses over them? Let no man think that the troubles of this Island will be summarily terminated or even diminished by merely handing over this authority to the General Assembly without due provision for rendering the exercise of it safe and legitimate. I know that at this time there are, even in the peaceful North, quiet and well-disposed men who view any such transfer of authority (or as they term it) the "ceasing to be called children of the Queen," with the liveliest apprehension and alarm.

14. Has it ever happened in the history of the world that a purely democratic body, with an Executive which depends solely on the will of the majority in that body, and where the members and the constituency belong to one race, has dealt justly with a race assumed to be inferior and in fact unrepresented? especially where the relations between them have begun in a state of open war. To this intrinsic difficulty add in this case the practical difficulty arising from the peculiar relations between the two Islands at this time: the majority of the Assembly consisting of members from the Southern Island, whose interests are much less closely connected with those of the Natives than are those of the Northern members; and much less seriously affected by a Native war. We do not trust men of our own race with the power of governing us, until we have secured protection in many ways against their possible misuse of power. Can we say that no safeguards are needed for the Native race? Can we reasonably expect a full acquiescence on their part until they see that some such safeguards are provided? It should be remembered that in conferring powers on the Assembly a reservation has always been made of imperial interests: and what interest is more truly imperial than the honour and good faith of the Crown of England?

Is it possible then to find safeguards which may be effectual for their purpose, yet such as to involve no minute interference with the proceedings of the Colonial Government, and no cost to the English Government? I suggest the following, as being at present necessary conditions of safe legislation by the General Assembly:—

a. That the war be really and completely wound up. If Government by the Assembly is to have a fair chance of success let it have a clear start. The Assembly will not become more competent or better disposed for calm and wise legislation by having first to pass through years of slow and exasperating war.

b. Representation being under such a form of Government as ours a necessary security for fair legislation, yet representation of the Native population being at present unattainable, let us do the best we can to supply its place. Before any measure of importance to the Natives is brought forward in the Assembly, let a draft of it be published, with proper explanations, in every district which has accepted our system; and let the people of the district be told that they are at liberty to address the Assembly by petition, and that any objections which they may entertain to such measures will in that way receive full consideration.

No course can be less favourable to the peaceful settlement of the country or to the contented acceptance of our legislation; nothing more irritating, even to our friends and allies, than the sudden announcement that some novel and severe measure has been already passed without any previous intimation to them of what was intended. We shall not create confidence or make friends without openness and straightforwardness in these matters.

c. Let no Act of the Assembly affecting land still under Native tenure, or in any way especially affecting the Natives in person or in land, be brought into operation until the Government shall have received from the Secretary of State a notification that the Royal Assent has been given. Experience shows that every real safeguard against hasty legislation will be a boon to ourselves as well as to the Natives.

Administration of Native Affairs.

15. Equally serious is the question as to the administration of Native affairs. At the best the Assembly can do little more than lay down sound general principles, with an outline of the mode of administering them. In this point of administration lies our great practical difficulty. I have already indicated that which appears to me the only mode of surmounting this difficulty. I will, therefore, be brief on this point. That for our success we need the continuous and consistent working of some one system for an adequate length of time most, men will admit. Can any man who has watched the present mode of proceeding see in it any security for the permanence of plans or arrangements, or even for the fulfilment of promises? Supposing a Native minister to have formed some distinct conception of what ought to be done, his office will soon be transferred to another, who may have other views or none: so short-lived are our ministers. One of two things must be expected to happen. Either the subordinate officers will be left to go on at their own discretion, without aid and without check, or business must stand still until the new man has acquired the requisite knowledge. Such a state of things would be detrimental to the public service, even in routine business; but in a business so novel and peculiar as this it may be fatal. With all this delay and uncertainty, projects put forward and never carried out, one expectation after another raised and disappointed, the soreness and distrust of the Natives will remain unallayed or even increased. Many more will come to say, what too many say already, that our plans and proposals to them are "maminga" devices to cheat them and gain time.

Whatever be the outward form or name of the Native department, there must be somewhere a set of persons entrusted with special functions and possessed of special knowledge, and empowered to carry out steadily and uninterruptedly some one consistent plan if we intend to have contentment and peace. A mere theoretical uniformity of the outside of our administration will only screen from view a fact which it will be wiser to recognize. Special circumstances need a special organization to deal with them.

Plan proposed.

16. The plan of internal administration for Native districts which I submitted in the "Notes on the best mode of working the Native Lands Act," and which may be established by means of that Act, interferes in no way with the existing institutions of the Colony. It lets them work, and lets the Natives gradually and safely take their part in working them. Under it they must become really subjects. They cannot have the benefits of the system without working through the Government, and accepting the authority of the officers of the Government in all matters of business with the English. They will become possessed of the franchise in common with the settlers whom the operation of the Act will introduce. For their own wealth and prosperity they must become dependent on the presence of the Pakeha alongside of them. The only part of the system which will be in any degree independent, will be the function of the Native magistrates in deciding disputes amongst themselves, an arrangement which has always existed, and which relieves our officers, whilst it tends to satisfy within safe limits the desire of self-government. The Native Council will, if worked in the mode suggested, become simply a Board of trustees for managing certain property, and appropriating the income amongst the purposes of the trust, similar to the many local boards which already exist in the Colony. The natural effect of the measures recommended will be to unite both populations and bring them under one system.

17. The Native Lands Act puts into our hands a lever wherewith to move the whole Native population: a means of establishing law and carrying settlement everywhere. If this great power be thrown away or wasted, the mistake will deserve to be classed with the most serious of the mistakes hitherto made. Yet we shall waste it if we are content to use it for effecting purchases here and there, in detached patches, and on no system.

This boon ought not to be given except on terms clearly expressed beforehand. Nothing can be so reasonable as to require that law shall be accepted, and criminals given up in tracts in which we are going to plant our people. The whole history of the colonization of this Island shows the need of this. Much suffering and cost have resulted from the scattering of settlers among populations subject to no control. Therefore, whenever a desire is shown to have the benefit of this Act, that desire should be used as a means of inducing the people of a definite district to come within our system. Our great object should be to facilitate the transfer of their superfluous lands, and to clear those portions which will remain in their ownership of the perplexities and endless questions which arise amongst a people who have no written rules and no statute of limitations. Several districts might be marked out here in the north, and I presume in the south also, each as large as an English county, in which the people as a whole desire to be one with us, and to have the protection of our system. In some one of these districts let us make a beginning of a system such as has been proposed, and on it concentrate our strength. I use these words in the fullest meaning. It is a necessity for us to use every means of influence to economise our power, and combine our efforts towards this end. In such one district, or at the most two, let the plan be tested. If a clearly beneficial result be exhibited, that result will certainly tell upon the minds of the people throughout the Island, and will gradually dispel distrust and repugnance, as surely as the sun's heat removed the wayfaring man's cloak in the old fable.

If the system we introduce is to have the effect we desire, it must involve the acceptance of definite rules, and a real co-operation on the part of the Natives. To set up a system of nominal local govern-

ment without such rules practically enforced, and without some exertion and sacrifice on their part, is to keep up a show which throws on the general Government the maximum of cost, and effects the minimum of good.

18. There is, I think, no lack of persons qualified for working this system. In fact there were some fourteen months ago in actual service in the Native department three men who would have been quite sufficient for the Central Board. Two remains; the third, who has left the Colony might possibly be recovered. These three men possessed a large stock of knowledge, local and personal, extending over the northern and central parts of this Island, and each of them enjoyed the respect and confidence of the Natives of certain districts in a high degree. As to subordinate officers, there is a sufficient force, if we will confine ourselves to doing real work in limited districts, and so bringing one after another effectually within our system. In fact in the mode proposed, the presence of one able and active man in each district will be all that will be permanently necessary. The gradual settlement of Europeans in the district, which must accompany the working of the Act, will of course bring with it a resident magistrate, and in due time a district court. The main part of the purely native work of the district will be done by the Natives themselves.

Recent Enactments.

19. In all this business of bringing the Natives within the operation of the law, it behoves us to be ourselves careful to act according to law, and that, the law of England. As long as we are able to say "This is part of the law of England," we ensure a certain degree of acceptance. For the belief is widely entertained among them that our superiority is owing in great measure to the fact that by the art of writing we have been able to preserve and accumulate the experience and wisdom of past generations. They are willing to recognize in the greatness of our nation a proof of the excellence of our laws. But if we offer them as a boon the name of English subjects (as we are now doing by the "Native Rights Act," just passed), and they find that in practice, for them that name is to mean subjection to hard rules which no man in England is subject to, they will not be eager to accept our offer.

20. A strong instance of the evil to which I am referring is supplied by the "Outlying Districts Police Act," also just passed. From the beginning of our connexion with the Natives the one principle which has been more than all impressed upon them as the distinguishing excellence of the law, not only of England but of all civilized nations, is the principle that crime is to be avenged by smiting the actual offenders, and not by visiting the whole tribe with war. The more advanced among them have learnt to accept it as such.

The recent enactment embodies the opposite principle. It makes it lawful for the Governor to take land at discretion and appropriate it for purposes of settlement wherever a supposed criminal is not given up on demand. The demand may be made on rumour or suspicion, for no previous inquiry is required by the Act. All lands alike are made subject to seizure, with only one exception, applying to a very rare case. To the Natives this must appear tyrannical. There exists amongst them no organization for the purposes of police, and any persons who may be disposed to apprehend offenders, can do so only at the risk of civil war. Is this to be to them the manifestation of our authority and government, to cast on them the very work which we took upon ourselves in the beginning, and to punish them by seizure of land, of all alike, in case they fail to effect that which we confess to be beyond our own power? Can this appear to them anything but a device for getting land?

As to the suggestion that there is some English precedent for this enactment, true it is, that in old times the inhabitants of a district were under pledge for the peace of the district, and were liable to the extent of a fine to be levied upon the district in case of a person suspected not being forthcoming. Nothing like the present enactment has proceeded from the Parliament of England, so far as I know, even in the worst times.

The circumstances attending the passing of this Act were singular. Misgivings as to the probable effect of the measure were strongly expressed on all sides. I do not learn that any one member gave it a cordial support. But it was a ministerial measure, and at that time the opposition were not willing to give the ministry any ground for resigning.

Amongst ourselves of late years, much has been said of the necessity of keeping questions of crime apart from questions of land. This seemed to be one of the few points upon which men of all ways of thinking had come to an agreement. But all our experience is now put aside.

The new enactment affords a striking instance of the mode in which measures, which are at first defended only as exceptional, come to be extended to entirely different cases. The seizing of the land of innocent men for the offences of others whom they could not restrain and did not aid, was recently justified in the discussions on the "New Zealand Settlements Act," only as being a consequence of war. It is now attempted to make it a part of the ordinary and permanent law, and this too at the very time when the principle is abandoned in the practical working of the original enactment.

21. Another instance is found in an Act passed in the session of 1864, entitled "An Act enabling land to be taken for roads and other public purposes, through Native and other districts of the Colony" (13 December 1864, No. 5). The effect of this enactment is to assert a general authority to take lands for roads, &c., at the discretion of the Government, whenever and wherever the Government may see fit. The ordinary English provisions for securing a safe exercise of this power in each particular case are omitted, and resistance to such taking is made a ground for taking more, and for

applying to the case the provisions of the "New Zealand Settlements Act," which in this case also are to be made a permanent part of the law of the Colony.

Thus within twelve months, two Acts have been passed, which, if they should actually remain as law, would leave to scarcely any Maori in the country any security for the retention of an acre of his land. To these enactments the objections which were urged by the Secretary of State against the "New Zealand Settlements Act" apply in their full force. In consequence of those objections it was enacted in the session of 1864, that the "New Zealand Settlements Act" should continue in operation until the 3rd December 1865. In the session of 1865, the "Outlying Districts Police Act" was passed, by which the extraordinary powers given by the former Act are in fact revived, and greatly extended. For by the former Act the power of taking land for settlement is to be exercised only in cases where at least a considerable number of persons shall have been engaged in rebellion against Her Majesty's authority; whereas under the new Act it suffices that a single person be supposed to have committed a crime, or that a single suspected criminal be supposed to be concealed in any district.

Summary.

22. Thus, Sir, in this letter and the previous communication taken together, I have drawn the outline of a plan by which we may hope to arrive at a better state of things. I should have no heart for entering so fully into the subject, if I did not believe the way to be still open. There is no reason for desponding about this people but great reason for changing our mode of handling them. We have tried force, we have tried diplomacy, we have tried money. Whenever we resort to a sound and consistent policy, clearly and openly laid down, and steadily acted upon for an adequate time, then we shall succeed. We have abundant resources and means of influence, if only they be used aright. The Maori population is to be rendered contented and peaceable by the same influences as other populations.

23. There is even much to favour the undertaking in the present state of men's minds, on both sides. It is now becoming manifest to the leaders of the Maori race that the scheme of a separate Government for themselves cannot succeed. Many of them are even now slowly receding from it. What is now wanted is something which may assure them that it is safe to trust us; and this must be derived from some exhibition of moderation and generosity on our part in winding up the war, and from the gradual establishment of a beneficial system for the future.

On the part of the settlers at large there is no hindrance now to the establishment of a just and well-considered plan. As a body they did not desire the resumption of hostilities, though the war of course became popular for a season. They are now returning, according to the wont of Englishmen, to a cooler view of things. The Maories have won respect by their manliness in standing up in defence of their nationality against immense odds. It is now seen that the peace of this Island can be kept only by the aid of the Natives themselves. The great body of intelligent settlers are disposed to support a fair and equal system in Native matters.

Of the particular plan here suggested, the details must be gradually worked out and modified by experience, and after many conferences with Natives. It appears to me to open to the Home Government a way of escape from the pressure of obligations towards the Native people, which that Government knows not how to discharge, yet cannot honourably abandon. Along with the gradual extension of the system, the home interference and control would be gradually withdrawn. I am bold enough to believe that under the operation of such a system steadily continued, this Island even in the minds of its Native inhabitants, may be in less than twenty years subdued; and that by a process beneficial to every man of both races.

24. The foregoing may be summed up in the following recommendations, which are to be taken in connexion with those appended to the "Notes on the Native Lands Act."

1. That the war be brought to an end speedily, and that on terms of cession of land instead of mere seizure.
2. That until the Natives shall be represented in the Assembly, no bill affecting the Natives be brought forward until a draft of it shall have been published in every district which has accepted our system, and a reasonable time given for petitioning the Assembly on the subject.
3. That no Act affecting land under Native tenure, or in any way specially affecting the Natives, be brought into operation until the Royal assent has been given and duly notified in the Colony.
4. That the "Public Works Lands Act" and the "Outlying Districts Police Act" be not brought into operation.

I beg, Sir, to submit these suggestions to the consideration of the Government. I also beg that a copy of this letter, together with my letter dated 18th July last, and the accompanying "Notes on the best mode of working the 'Native Lands Act,'" may be forwarded to the Right Honourable the Secretary of State for the Colonies.

The Hon. the Native Minister,
Wellington.

I have, &c.
(Signed) WM. MARTIN.

NEW
ZEALAND.

For His Excellency the Governor.

I HAVE not had time to read this paper with the attention it deserves, before leaving to-day for Hawkes Bay, but from the hasty perusal which I have been able to give it, I regret very much to find my views opposed to some of those expressed by so good and able a man as Sir William Martin.

(Signed) A. H. RUSSELL.

24/1/66.

No. 33.

No. 33.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 23.)

Government House, Wellington, February 13, 1866.

(Received April 12, 1866.)

(Answered No. 44, April 20, 1866, page 119.)

SIR,

IN my Despatch, No. 153,* of the 5th December last, I reported that the Natives had arrested the murderers of the late Mr. Fulloon.

2. You will probably be anxious to know how the persons they arrested were disposed of.

3. I have therefore the honour to enclose, for your information, the copy of a memorandum I have received from my responsible advisers, containing their reasons for advising that the persons accused of Mr. Fulloon's murder should be tried by our ordinary courts in the usual manner, a recommendation in the wisdom and enlightened policy of which I fully and heartily concur.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure in No. 33.

MEMORANDUM.

HIS EXCELLENCY'S Ministers have carefully considered the case of the Maori prisoners accused of the murder of Mr. Fulloon, and three other persons, on the 22nd of last July.

HIS EXCELLENCY, with the advice of his then Ministry, desirous of inflicting an immediate and signal punishment on the Natives, who, under the influence of the Hauhau fanaticism, had been concerned in barbarous murders on the East Coast, had on the 4th of September last authorized any such Natives who might be taken to be tried by court-martial. At that time the district occupied by those Natives was in a state of armed rebellion to Her Majesty's authority. No action could be taken by civil courts, and it was requisite to undertake military operations for the apprehension of those who had committed many revolting crimes, entirely unprovoked, under circumstances of great barbarity. It was manifest that it was only by means of such operations, to which trial by courts-martial is not an unusual incident, that outrages which shocked humanity could be suppressed, Her Majesty's authority asserted, and peace secured.

The successes of the Colonial forces, aided by friendly Natives, in conducting these operations have now resulted in restoring peace, and the authority of the law over a considerable portion of the hitherto disturbed districts on the east coast. The prisoners in question have been for some time, and are now, in safe custody, the courts of law are accessible for their trial, while any action now taken in fulfilment of a court-martial could not be considered as immediate, with respect to crimes committed many months since. His Excellency's present Ministers are of opinion that only circumstances of great urgency, requiring prompt and summary punishment, warrant a recourse to any but the ordinary judicial tribunals. They do not consider existing circumstances, with respect to the prisoners, to be of that urgent or exceptional character, and they believe it to be both right and wise, as tending to encourage in the native mind a respect for our administration of justice, that the ordinary course of law be observed with respect to them. They therefore recommend that the prisoners be examined in the usual manner before a magistrate, with a view to those against whom evidence of murder or other serious crime is adduced, being committed for trial before the Supreme Court of New Zealand.

It is also advised that a similar course be followed with respect to the Natives concerned in the murder of Mr. Volkner.

(Signed) E. W. STAFFORD.

Wellington, 30th December 1865.

* Page 8.

Mr. Stafford,
30th Dec. 1865.

No. 34.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 24.)

Government House, Wellington. February 13, 1866.

(Received April 12, 1866.)

(Answered No. 49, April 26, 1866, page 125.)

SIR,

IN my Despatch No. 10,* of 13th of January last, I enclosed a Despatch from General Chute, giving the details of two engagements in which the rebel Natives had been defeated by Her Majesty's forces under his command, and I reported that from the active measures taken by General Chute, the west coast of this Island would shortly be placed in a state of entire security. * Page. 69.

2. I have now the honour to transmit for your information, copies of two further Despatches from General Chute, containing the details of his operations till their close upon the 9th instant. 15th Jan. 1866.
12th Feb. 1866.

3. The result of these operations has been the absolute defeat of the rebels at every point, and the restoration of security to the west coast of this Island, the attainment of which object has been so long desired.

4. During these operations General Chute displayed every quality of a great General, whether in ability in conceiving plans, in energy in carrying them out, or in that power of command which inspired those under him with an energy and determination equal to his own. The result has been a rapidity, and an amount of success, which is without precedent in New Zealand. The well-disposed Natives are greatly strengthened in their confidence in our power, whilst the disaffected are filled with consternation, and their strength and influence has been completely broken.

5. The troops will continue to be sent home as rapidly as transport can be provided and fitted up for them.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 1 in No. 34.

Encl. 1 in
No. 34.

SIR,

Head Quarter Camp, near Ketemarai,
January 15, 1866.

IN continuation of my last report I have the honour to acquaint your Excellency that on the 8th instant the Native Contingent were employed in destroying the cultivations in the neighbourhood of Putahi. The unoccupied but extensive settlement of Oika was also burnt; and on that day 200 men of the 2nd battalion, 18th and 50th Regiments, under Major Rocke, who had on the 6th joined the field force from the Patea, returned to that post.

On the 9th instant the field force marched at 4 a.m., and crossing the Wenuakura and Patea Rivers, proceeded to Kakaramaea and encamped. One non-commissioned officer and 15 gunners, with two 6-pounder Armstrong guns, joined the force from the Patea.

On the 10th armed parties were employed in reconnoitering the bush near Kakaramaea. They destroyed two deserted villages, but found that no rebels were located in the neighbourhood, though the traces of many of them were seen, probably fugitives from Putahi.

The force marched on the 11th through Manawapou, and encamped at Tangahoe. During the afternoon Captain Leach, Deputy Assistant-Adjutant-General, with 50 mounted men of the Native Contingent, under Ensign McDonnell, reconnoitered the country in the direction of Ketemarai, an important settlement within the bush, in the vicinity of which I was informed that there were two or three strongly fortified positions and most extensive cultivations. It is, moreover, the point at which the track branches to the north behind Mount Egmont.

On the morning of the 12th I marched the field force and encamped on the plain, about a mile and a half from the supposed position of Ketemarai. The force was augmented on this day by detachments,* under Lieut.-Colonels Butler and Hassard, from Waingongoro and Manawapou. I should

* From Waingongoro—57th Regiment: officers 5; non-commissioned officers 6; rank and file 120.
From Manawapou—57th Regiment: officers 4; non-commissioned officers 6; rank and file 120.

NEW
ZEALAND.

here mention that in pursuance of my general instructions to officers commanding posts north of the Patea, Lieut.-Colonel Butler had, on the 6th instant, driven the rebels from the position of Ketemitea; but, having only a small force available from his post, was unable to destroy it. Lieut.-Colonel Hassard had also patrolled from Manawapou, and destroyed some villages, but did not see any rebels.

Not having been able to gain any immediate information of the exact locality or strength of the rebel positions in the neighbourhood I sent a party of the Native Contingent to reconnoitre; and having thus ascertained that a considerable force of rebel Natives had collected at Otapawa, a fortified pa five miles to the north-east of this camp, I determined to attack it without delay, and accordingly at 2.30, on the morning of the 13th, the force* moved silently towards it. Our route lay along a good bullock track for two and a half miles, after which it passed through high fern and scrub along the edge of a broad and deep valley, into which we descended by a precipitous declivity, and after crossing two streams, again gained the high ground by an ascent almost as steep, and enclosed by thick bush. From the nature of the ground I had no opportunity of making a satisfactory reconnaissance; the tops of the whares, however, being just visible from the near side of the valley, I left the 6-pounder guns there, and advanced under cover of their fire, which was ably directed by Lieut. Carre, R.A. In a few minutes we emerged from the scrub and bush on the open, opposite the position, which consisted of an entrenched work, strongly palisaded, with a front of about 100 yards. The approach was over level ground, flanked on the right by a tongue of bush at seventy yards: on the left front there were fenced cultivations. It would have been a work of great labour and loss of time to get the guns to this point. I therefore took advantage of an undulation in the ground, at the distance of 150 yards from the work, and formed the force in the following order, viz.:—57th Regiment on the left, in skirmishing order, with a strong company, and the Forest Rangers in support; the 2nd battalion 14th regiment extended on the right, with 100 men in support, the Native Contingent in reserve. The signal for the assault was then given, and the troops dashed at the work with irresistible impetuosity, the rebels kept perfectly quiet until they were within 40 yards, and then opened a most severe and unusually well-directed fire from the whole front of the entrenchment and the bush on its right. Under this heavy cross fire a portion of the 57th Regiment, under Bt.-Lieut.-Colonel Hassard, wheeled to the left, drove the rebels from the bush, and advanced against the right angle of the pa. At the same moment the 2nd battalion 14th Regiment, under Lieut.-Colonel Trevor, and the remainder of the 57th, under Bt.-Lieut.-Colonel Butler, both most gallantly led, reached the left angle of the work through the cultivations. The Maories fought desperately for a time, but in vain; the palisading was cut down, the troops entered the work and carried all before them. The enemy broke and fled down the precipitous densely-wooded gully immediately at the rear of the pa, where it was impossible for the troops to pursue them; some of them, however, there fell under the fire of a detachment of the Native Contingent, whom I had sent round into this gully. The whole of the defences, the village, and cultivations were destroyed.

The capture of Otapawa is, I believe, of the utmost importance. It was a position, I am informed, of historical repute for its natural strength, and had the name of having never fallen in any of the Native wars. It was in fact inaccessible for any force except by the way we advanced to it, and the character of the approaches and the nature of the immediate locality of the pa, as well as the strength of its defences, certainly were such as in some measure to justify the opinion of the Natives that they held an impregnable position. In the capture of such a position it is not to be expected that our loss could be insignificant. In comparison, however, with the nature of the service, the number of our casualties is not great. Seven men were killed and 14 wounded. Two officers—Lieut.-Colonel Hassard, 57th Regiment, and Lieut. Swanson, 2nd Battalion, 14th Regiment—were wounded; and it is with deep regret I have to add that the former officer died of his wounds this morning. In Lieut.-Colonel Hassard, the service has lost one of its bravest officers; he led his men with the greatest gallantry, and fell inside the pa, nobly performing his duty.

The loss of the enemy I estimate at 50 killed and wounded; the body of Aperahama, the Chief of the place, was found in the ditch.

It is my intention to bring under the special notice of the Secretary of State for War, and of His Royal Highness the Field Marshal Commanding-in-Chief, the brilliant services of the whole of Her Majesty's troops engaged on this occasion; and I take this opportunity of expressing my thanks to Major Von Tempskey, commanding Forest Rangers, and to Capt. Pilmer and the men of that corps, for their services in co-operation. To Ensign McDonnell (commanding the Contingent in the absence of Major McDonnell, who is still suffering from his wound), as well as to the Native Contingent, I am much indebted for their assistance. Ensign McDonnell has rendered most valuable aid in reconnoitering and obtaining information, and his intrepid conduct deserves the highest commendation.

On the evening of the 14th I directed the Native Contingent to ascertain the position of Ketemara, and instructed them to remain near it during the night, and to send me information which would

* Royal Artillery—Three 6-pounder Armstrong guns, with proportions of non-commissioned officers and gunners, under Lieutenant Carre.

2nd Battalion 14th Regiment—200 rank and file, under Lieut.-Colonel Trevor.

57th Regiment—130 rank and file, under Lieut.-Colonel Butler.

Forest Rangers—1 field officer, and 36 of all ranks.

Native Contingent—200, under Ensign McDonnell.

enable me to move against it early on the following morning; for which purpose the force as below* marched at 4.15 a.m. this day, and proceeding over the plain for two miles in a northerly direction came in front of a line of stockading and earthwork, flanked on either side by bush, and extending across the main track, leading into the clearing in which Ketemarai is situated. The position was carried without opposition, though it had evidently been the intention of the rebels to defend it, for we found provisions and fires still alight inside the work. I can only account for their not availing themselves of so formidable a position for opposing our advance, by attributing it to the dispiriting effect of their severe loss at Otapawa. The force then advanced on Ketemarai itself, which is about a mile within this entrenchment, and consisted of four palisaded pas in eschellon, enclosing a large number of whares; these were all burnt, and as far as practicable, the cultivation destroyed.

The regular troops then marched back to camp, and the Forest Rangers and Native Contingent remained to search the bush in the vicinity. This they did for several hours, during which they came across some small parties of the enemy (21 of whom are reported to have been killed), and destroyed the following villages, viz., Te Whenuka, Te Moro, Kanihi, Mawhitihito, Te Paki, Otukere, Aoteroa, and another large pa, the name of which is not yet certain, but supposed to be Ahipaipa.

The same afternoon I sent out 300 men of the 2nd Battalion 14th, 50th, and 57th Regiments, with the three 6-pounder Armstrong guns, the whole under Lieut.-Colonel Butler, 57th Regiment, to destroy the rebel village of Ketemitea, which, as already stated, he had previously visited. It was now completely destroyed by him, as well as another strongly fortified pa in the neighbourhood, Puketi, which was found to be abandoned. All the principal villages and positions of the enemy up to and within reach of this camp having been destroyed, and the rebels scattered with heavy loss, I propose, in pursuance of your Excellency's instructions, to continue my march immediately towards Mataitawa and New Plymouth, by the bush track behind Mount Egmont.

His Excellency Sir G. Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) T. CHUTE,
Major-General.

NOMINAL RETURN of Officers and Men killed and wounded in an Engagement with the rebel Maories on the 13th of January 1866, at Otapawa, with the Field Force under the command of Major-General Chute.

2nd Battalion 14th Regiment.

Private James Whelan, aged 29, musket bullet, abdomen, killed.

57th Regiment.

Serjeant Frederick Day, aged 25, musket bullet, abdomen, killed.

Private Robert Doake, aged 24, musket bullet, head, killed.

Private Hugh McGregor, aged 30, musket bullet, chest, killed.

Private John Moran, aged 26, musket bullet, chest (heart), killed.

Private John Manning, aged 27, musket bullet, abdomen, killed.

Irregulars.

Spain (Maori), musket bullet, chest, killed.

2nd Battalion 14th Regiment.

Lieutenant Swanson, aged 26, musket bullet wound, right leg, severely.

Serjeant Thomas Fox, aged 26, musket bullet wound in both thighs, dangerously (since dead).

Private William Bonham, aged 23, musket bullet wound, right thumb, slightly.

57th Regiment.

Lieut.-Colonel Hassard, aged 30, musket bullet wound through chest and lung, dangerously.

Serjeant John Sullivan, aged 42, musket bullet wound, abdomen and thigh, mortally (since dead).

Corporal Thomas Bowyer, aged 37, musket bullet wound, left fore arm, severely.

Drummer George Donaghue, aged 26, musket bullet wound, right fore arm, severely.

Private George King, aged 29, musket bullet wound, chest, mortally (since dead).

Private John Hardley, aged 28, musket bullet wound, left shoulder, severely.

Private William Kennarny, aged 26, musket bullet wound, contusion of abdomen, slightly.

* Three 6-pounder guns, with proportion of non-commissioned officers and gunners, under Lieut. Carre.

2nd Battalion 14th Regiment—200 rank and file, under Lieut.-Colonel Trevor.

50th Regiment—110 rank and file, under Capt. Doran.

57th Regiment—200 rank and file, under Brevet Lieut.-Colonel Butler.

Forest Rangers—40 of all ranks, under Major Von Tempskey.

Native Contingent—150 men, under Ensign McDonnell.

NEW
ZEALAND.

Private Francis Raycroft, aged 29, musket bullet wound, both thighs, severely.
 Private Martin Connolly, aged 30, musket bullet wound, back, severely.
 Private Michael Corcoran, aged 26, musket bullet wound, left fore arm, severely.
 Private Thomas Gannon, aged 27, musket bullet wound, scalp, slightly.

ALEXANDER GIBB, M.D.,
 Deputy Inspector-General of Hospitals.

Encl. 2 in
 No. 34.

Enclosure 2 in No. 34.

SIR,

Head Quarters, Wellington, February 12, 1866.

I HAD the honour in my last report, to intimate to your Excellency my intention of marching on Mataitawa by the bush track at the back of Mount Egmont. For many weeks I had been endeavouring to obtain information regarding this track, but not having been used by any but rebels for some years past, those who professed to know anything of it were so vague in their descriptions that had they not all agreed on one point, viz., that the journey was one usually performed by Natives easily in two days, but that it would take troops three days, I should have hesitated in the undertaking, on which I must say I embarked with much anxiety, and then only from a desire to act agreeably to your Excellency's wishes, and in consideration of the beneficial effect such a movement was likely to produce on the minds of rebels in arms against us.

Distribution.	Field Officers.	Captains.	Subalterns.	Serjeants.	Drummers	Rank and File.
Royal Artillery -	-	-	1	1	-	36
2/14th Regiment -	1	2	3	10	4	236
Forest Rangers -	1	1	-	2	-	57
Native Contingent -	-	-	1	2	-	67
	2	3	5	15	4	396

I moved early on the 17th ultimo, with a force as per margin, entering the forest from the clearing of Ketemarai. For a short distance our advance was unchecked, as we were traversing a good dray road, leading to a village and cultivation; these were destroyed, and a few rebels were seen retreating from the whares. From that point our progress was slow and laborious in the extreme, and the difficulties against which we had to contend will be better understood by your Excellency when I inform you that to accomplish a distance of about 54 miles the force was eight days

actually on the move, and never less than 10 hours in any one day.

I thus found that I had been quite misinformed as to the length and nature of the track, which had even been represented to me as practicable for pack-horses, except at two or three places, where slight improvement would be required. So far from this being the case, there were no less than 21 rivers and 90 gullies, the precipitous banks of many of which presented formidable obstructions to our advance, and required great labour to make them passable, and except for about two miles after entering the forest, working parties in advance were constantly employed in cutting down trees, supple-jack, &c., to admit of the passage of the pack animals. In addition to these obstructions the weather, which had been fine for the first three days, changed to continuous rain, which increased our difficulties in crossing the gullies, and necessitated the construction of corderoy roads over swamps, which might otherwise have been practicable.

It being necessary to limit, as far as possible, the quantity of supplies, &c., to be carried by pack-horses, I had directed that three days' provisions only should be taken, in addition to the day's ration carried by the men on the 17th. When, however, at the close of the day's march on the 19th, there appeared to be some uncertainty as to our distance from Mataitawa, I directed the day's provisions then remaining to be divided, and half rations only were issued to the troops on the 20th and 21st. For two days horseflesh was issued as a ration.

Our guide, the Waitotara chief, Pehimana, who assured me that he was well acquainted with the route, at the end of the third day's march, on coming to a river he professed to know, stated that we were only six miles from Mataitawa; but after a tedious march on the following day, the 20th, finding that he had been mistaken, I determined to send forward a party of the Native Contingent, accompanied by Captain Leach, Deputy Assistant Adjutant-General, and Ensign McDonnell, N.I., in order to ascertain our position, and, if possible, to procure supplies. I continued the march for about six miles on the 21st, and not having heard from Captain Leach, halted the following day to await his return, as well as to rest the pack-horses, now much wearied. Late in the evening of the 22nd, Captain Leach returned, having made arrangements with Colonel Warre, C.B., commanding at Taranaki, for the supply of the force during the remainder of the march to Mataitawa, then distant 20 miles, and where we arrived on the 25th.

I need not dwell further on the arduous nature of the duties performed by the field force on this march in the face of unusual difficulties and privations, and during such inclement weather; it will however, be gratifying to your Excellency to hear that officers and men appeared to vie with each other in the performance of their duties with unyielding energy and cheerfulness, and I am happy to add there was not a single case of sickness.

On the first day's march the Native Contingent, who were in advance, came suddenly on a party of seven rebels, three of whom were shot. These men were Ngatiruanuis who, it appears, had gone to the north of the Waitara for assistance in men and arms, and having failed, were returning to Ketemarai.

With the view of intercepting any fugitive rebels that might be retiring before my force, Colonel Warre, in pursuance of instructions that I had given him, despatched on the 20th January Lieut.-

Colonel Morant, 68th Light Infantry, with 150 men, to move along a track leading south from Te Arai, and eventually joining that on which I was marching. Colonel Morant's force returned to Mataitawa on the 23rd, without encountering any rebels.

On the 25th, after emerging from the forest, the force moved on from Mataitawa, and encamped at the Waiwakaiho river, four miles north of New Plymouth.

Colonel Warre having reported that rebels were still seen in the neighbourhood of the White Cliffs, I embarked on the 26th, with 100 men of the 43rd Light Infantry and a 6-pounder Armstrong gun, on board the S.S. "Ahuriri," then lying in Taranaki roads, and proceeded up the coast to the mouth of the Mokau river, and from thence to the Awakino river. There were a few whares visible at Ingarangi and Maniaroa, but they did not appear to be inhabited, nor do I think there can be any large settlement in that neighbourhood. It was not therefore necessary to land the force, which, moreover, there would have been considerable risk in doing on account of the weather.

On the 27th the field force marched to Oakura; on the 28th to Stoney river, and on the 29th to Warea, near which the rebels were said to have collected in force at a pah called Waikoko, situated in the bush directly inland from Tipoka, a temporary post on the seaboard, seven miles south of Warea, occupied a few days before by Captain Corbett's company of Military Settlers.

On the 30th I moved the field force to Tipoka, and in order, if possible, to cut off the retreat of the rebels, I sent Captain Corbett's company by a track leading to the right rear of Waikoko, and instructed Captain Livesay, 43rd Light Infantry, commanding at Opunaki, to march on the night of the 31st, with 100 men, by an inland track, leading from the south to the rebel position.

Distribution.	Field Officers.	Captains.	Subalterns.	Serjeants.	Drummers.	Rank and File.
Royal Artillery	-	-	1	1	-	30
2/14th Regiment	-	1	2	6	3	180
43rd	-	-	2	5	1	90
Forest Rangers	-	1	1	3	-	31
Native Contingent	-	-	1	-	-	60
Taranaki Troopers	-	1	-	-	-	16
Total	-	2	6	6	15	407

charged and occupied the place, the rebels retreating and reopening fire from the bush, from which they were as quickly driven. Captains Livesay and Corbett, with their respective detachments, arrived on the ground immediately after.

Our loss was not severe on this occasion; that of the rebels could not be ascertained. Four bodies only were seen. The whares and cultivations, which were unusually extensive, having been destroyed, the troops returned to their respective camps.

On the 2nd the field force marched to Opunaki, where I found a number of Natives, recently in arms against us, who had been permitted by the civil authorities to reside in a village near the Redoubt without taking the oath of allegiance. I immediately directed them to be made prisoners. Amongst the number was Te Ua, the so-called prophet, and the founder of the Hauhau fanaticism; he proceeds to Wellington for your Excellency's disposal. The remainder were set at liberty on taking the oath of allegiance and giving up their arms.

Prior to leaving Opunaki, I instructed Captain the Hon. A. E. Harris, 43rd Regiment, to capture and destroy a pah near Warea, to which it was reported the rebels from Waikoko had retired. In this service he was to be aided by Captain Livesay, with a detachment of the 43rd Light Infantry from Opunaki, and Captain Corbett, with the Military Settlers from Tipoka. I am not in possession of Captain Harris's official report; but I have learnt that the duty with which I entrusted him has been effectually performed, the enemy having been driven from the place with loss, and the village destroyed.

On the 3rd the field force marched to the Oeo river, and on the following day to Waingongoro.

I enclose the copy of a report received from Lieut.-Colonel Butler, 57th Regiment, who had under my instructions availed himself of every opportunity afforded of harassing the dispersed rebels in the vicinity of Otapawa and Ketemarai.

Distribution.	Field Officers.	Captains.	Subalterns.	Serjeants.	Drummers.	Rank and File.
Royal Artillery	-	-	-	1	-	6
57th Regiment	-	1	2	4	1	150
Native Contingent	-	-	1	-	-	30
Total	-	1	3	5	1	186

On the 5th the force marched to Manawapou, seven miles inland, of which post it had been reported to me that some of the rebels had collected at a pa called Meremere. I therefore sent Lieut.-Colonel Butler, with a force as per margin, to destroy it, and this he accomplished on the afternoon of the 6th, without meeting any material opposition from the enemy, who fired a few shots and fled. A considerable extent of cultivation was destroyed.

On the same day the force under my command marched to the Patea, on the 7th to Waitotara, on the 8th to Alexander's farm, arriving in Wanganui at 7 a.m. on the 9th instant.

NEW
ZEALAND.

I enclose for your Excellency's information the copy of a correspondence between Te Ua and some rebel Natives.

I believe that throughout the country traversed by the field force during the last six weeks there does not now remain one fortified position or ordinary village in the occupation of the rebels, who have suffered most severely in loss of life, habitations, cultivations, horses, cattle, and other property.

It is hardly possible for me to convey to your Excellency how much I feel indebted to Dr. Featherston, Superintendent of this province, for his able advice on all subjects connected with the Maories.

He accompanied me throughout the campaign, sharing all our dangers and privations, and was present at each engagement and assault.

I am particularly obliged to him for the zeal with which he has at all times laboured to obtain information of the movements and positions of the rebels, which it would have been almost impossible for me to acquire without his assistance.

The Native Contingent has been a valuable auxiliary force. My thanks are due to Major McDonnell and his brother, Ensign McDonnell, who are active and zealous officers, and most deserving of your Excellency's favourable consideration.

I beg also to bring under notice the Chiefs Hori Kingi, Kemp, and Haimona, whose conduct at all times was such as to merit my warmest approbation.

I have likewise to express my thanks to Major Von Tempskey and the force under his command, for their services, which I have on former occasions brought to your Excellency's favourable notice.

It will be my duty to bring prominently to the notice of the Right Honourable the Secretary of State for War and His Royal Highness the Field Marshal Commanding-in-Chief, the noble and gallant conduct of the whole of the troops engaged in these operations.

His Excellency, Sir G. Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) T. CHUTE,
Major-General.

NOMINAL RETURN of Officers and Men killed and wounded in an Engagement with the Rebel Maoris at Waikoko on the 1st February 1866, with the Field Force under the Command of Major-General Chute.

Corps.	Regimental No.	Rank and Names.	Years of		How injured.	Where injured.	Killed or Wounded.	Remarks.
			Age.	Service.				
2/14 Forest Rangers Capt. Corbett's Bushrangers. Do.	1538	REGULAR FORCES. Private William Burns -	35	9	Musket bullet	Through the chest	Killed.	
		IRREGULAR FORCES. Private Alexander Davidson -	—	—	Do.	In the left thigh -	Wounded	Severely.
		Serjeant John Purdy -	—	—	Do.	In the right shoulder and left thigh.	Do.	Slightly.
		P. Wiremu Matakatea -	—	—	Do.	In left thigh -	Do.	Severely. This man was wounded on night of 30th Jan., near Waikoko.
Chief Ihaia's Volunteers.	—	Henere Weneruka -	—	—	Do.	In the abdomen -	Do.	Slightly.

(Signed) ALEXANDER GIBB, M.D.,
Deputy Inspector-General of Hospitals.

SIR,

Camp Waingongoro, February 4, 1866.

I HAVE the honour to enclose to you herewith, for the information of the Major-General Commanding, a diary of my proceedings with the force left by the Major-General under my command on the 17th January 1866.

I trust that the measures which I have adopted to carry out the orders given to me to harass the enemy, and destroy all cultivations, &c., may meet with approval.

I may be permitted to add that, from Capt. Doran and the detachment 50th Regiment, I received the most energetic co-operation. My best thanks are due to these officers and men, as well as to those of the 57th Regiment, who have been engaged with me, also to Sir Robert Douglas, 57th Regiment, and Major McDonnell, Native Contingent, who despite of his wound insisted in rendering active aid, and did good service.

The Deputy Quartermaster-General,
&c. &c. &c.

I have, &c.,
(Signed) H. BUTLER, Major
and Lieut.-Col. 57th Regiment, Comm. Garrison.

DIARY of Operations with Flying Column under the command of Lieut.-Colonel Butler, 57th Regiment in the Ngatiruanui Country, from 17th January 1866 to 3rd February 1866.

January 18.—On the morning of the 18th January I moved out of camp with one field gun, 200 men of the 50th and 57th Regiments, and about 120 friendly Natives. Proceeded in the direction of Oukuti, which I found destroyed, as I had left it two days before; also to the pa Tiwiti Moana, where three bodies were discovered, one being that of the Chief Hokepa, a man of considerable importance. This pa was quite destroyed. The enemy escaped as usual by the rear, and pursuit was not possible. There were in all about 50 Natives to defend the pa. Brought in from it 15 cart-load of potatoes and destroyed a vast quantity of cultivations. Returned to this post that evening.

January 19.—Halted. The friendly Natives went out to reconnoitre and obtain intelligence, the want of which much retarded my movements.

January 20.—Marched off at 10 a.m., having been delayed by the non-arrival of the Native Contingent sent out yesterday. Took with me 20 Military Train, under Lieut. Creagh, 80 rank and file 50th, and 100 rank and file of the 57th Regiment; also about 120 Native Contingent, under Major McDonnell. My object was to attack a strong position called Ahipipi, in which it was said several Natives were congregated. I detached the Native Contingent, under Major McDonnell, along the left bank of the Waingongoro river, with directions to cross it at the edge of the bush, and endeavour to get in rear of Ahipipi, in order to intercept the retreat of the Natives. I advanced myself direct upon the position and found it deserted; some of the enemy, however, came down and fired on my party, when in the act of destroying the whares, one man of the 57th Regiment was severely wounded. The Native Contingent were now ordered to pursue the enemy into the bush, this they did vigorously, and within a mile of Ahipipi they came upon a large village; this party was supported by some of the 57th, under Sir Robert Douglas. After a heavy fire and a stout resistance of about 20 minutes the village was carried. A large number of the enemy were seen carrying off a body with much care; it is believed that a great chief was killed, possibly of Kankawa. A well-furnished strong European house was erected close to the mill or flagstaff; it was destroyed in common with everything to be found, including many cultivations.

Five of the enemy were killed, one man of the Native contingent wounded. The destruction of this place is considered of importance, as it was newly built by the Hauhaus, with unusual care, and was as it were the head quarters of the fanatics in the neighbourhood.

January 21.—Halted and continued my efforts to obtain information.

January 22 and 23.—Convoy days. The friendly Natives went into the bush and brought back a quantity of potatoes.

January 24.—Started at 8 a.m.; took with me 14 Military Train; 80 rank and file, 50th; 100, 57th, and about 100 Native Contingent. Proceeded towards Whiriwheri, which has been already destroyed, thence towards Tiwhatiwi; crossed the Waingongoro river, and struck into the bush towards Ketemarea. I soon came upon clearances, under careful cultivation; amongst the rest about two acres of wheat, much indian corn, and tobacco, and a number of fruit trees; all were destroyed.

After a long and harassing march the force returned to camp via the Ketemarea road.

January 25.—At 4 p.m. considering that I no longer required the services of the 50th regiment, under Capt. Doran, I ordered that officer to return to the Patea.

January 26.—Rested in camp.

January 27.—Rested again, and sent the Natives out to reconnoitre; they lost one man in the bush, it was afterwards ascertained that he was killed by the Hauhaus. A party of Natives went in search of their missing companion, but found no trace of him. On their return they were attacked in force by Hauhaus; one of our Natives was killed, and another badly wounded; they report having killed three Hauhaus.

January 29.—Took 100 Imperial troops, 50 Natives, all available carts, Comm. Transport Corps, to Ketemarea for firewood.

January 30.—Halted.

January 31.—Sent another party to Ketemarea; they came upon fresh cultivations, concealed in the bush; these were destroyed and quantities of vegetables brought into camp.

February 1 and 2.—Remained in camp in consequence of the inclemency of the weather.

February 3.—Sent out a party consisting of 80 rank and file, 57th Regiment, and some friendly Natives, towards Ketemarea for firewood.

Camp Waingongoro, February 4, 1866.

(Signed) H. BUTLER, Major
and Lieut. Col. 57th Regt. Comm. Garrison.

Translation.

Waingongoro, February 2, 1866.

Go this my letter to the tribe consisting of Kuanui, Waikato, Hawkawa, and Kahuhunu. Salutations to you all! I have arrived here. I am going to Whanganui in order that I may see the Governor. Enough about that. Here is a message from me and the chiefs of Whanganui, Hori Kingi, Meti Kawana, and the others; also from (Doctor) Featherston, and the General. Let evil be brought to an end, and come all of you, in order that we may at once assemble with them and be united.

If your thoughts are perplexed write us a letter, in order that we may know it, and in order that the General may cease operations against you; if otherwise, there is an end of it.

Ended,
(Signed) TE UA.

Translation.

NEW
ZEALAND.

To TE UA, HAU-MENE.

FRIEND, Salutations!

Kangunhu, February 4, 1866.

YOUR letter calling upon the tribe to assemble together, and to be of one accord, has been received. This is the reply to your letter. Father, where is the tribe? The tribe is already there assembled before you, and within the reach of (or obedient to) your voice.

Go you to the Governor and ascertain (the intention) in that direction.

Who are they whom you wrote to assemble together to-day. Who shall collect the broken fragments of the tribe, the scattered remains of the dead, in the depths of the forest (Waonui Tane)? Rather let the absent one take thought respecting the sufferings of the persecuted tribe.

Enough,
From TAURI HOHI.

No. 35.

No. 35.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 25.)

Government House, Wellington, February 21, 1866.

(Received May 14, 1866.)

SIR,

(Answered No. 58, May 24, 1866, page 132.)

I HAVE the honour herewith to transmit for your information a copy of a letter I have received from the Chiefs of Rotorua and Taupo, begging me to pay their country a visit, in the same manner I did in the year 1850.

2. This letter emanates from friendly chiefs, but, from the tone in which it is written, and from communications made to me by other chiefs, I believe that this is the only real opening which has yet presented itself of the Government coming to an understanding with many of the principal chiefs of the Island who have taken part against us.

3. In compliance, therefore, with the wishes of my Responsible Advisers, and in accordance with my own views of what ought to be done, I propose, in a few days, to proceed to Tauranga, and thence by way of Maketu to the interior of this Island.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Encl. in No. 35.

Enclosure in No. 35.

To the Governor of New Zealand. Maketu, February 3, 1866.

O Father! Salutations to you, the parent of the Maori tribes. If you are willing, listen to the request of the people which has reached you, that is to say, the desire of this tribe is for the sole of your foot to stand upon their land, in the same manner as upon the occasion of your visit in 1850, and this is a request for you to come to fulfil your promise made in 1862.

This is saying of our ancestors Pikipiki motumotu ka hokia he huanga (come again at intervals, return as a relative.)

Another is, very good for a paid shepherd to visit us at times, but better still for the chief shepherd.

Now these are the causes which lead to the anxious desire of your tribe for you to come. It occurred to us that it was not wrong to ask you to come during a very busy time. For this was a custom of long standing. If trouble came upon any man and any went to console him, his mind was relieved. There are two causes which administered relief; 1st, talking as a friend mouth to mouth; 2nd, seeing another face during the time of trial. Hence then is it that your tribe earnestly desire that (you) Tamati Rapua come to Maketu, and go (inland) as far as Rotorua Nuia Rahu, that the women and children may rejoice at your coming.

If it be impossible for you to come by reason of the press of business which forces itself upon you in your administration, here is the word of your tribe. Appoint a time for your friends the chiefs to visit you, for exceedingly great is the desire of your tribe to see you.

Here end the words to you.

(Signed) TAHURI O RANGI and others.

No. 36.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right
Hon. EDWARD CARDWELL, M.P.

NEW
ZEALAND.
—
No. 36.

(No. 31.)

Auckland, March 23, 1866.

(Received June 11, 1866.)

(Answered, No. 65, June 20, 1866, page 134.)

SIR,

I HAVE the honour to report that since I left Wellington I have visited Napier, Te Wairoa, Turanga, Waiapu, and Opotiki.

2. The first of the above-named localities was the only point at which the Hau-hau fanatics had not given way; but on my arrival at Napier they availed themselves of the opportunity afforded them of relinquishing their superstition, and voluntarily came forward, made their submission, took the oath of allegiance, and gave up their flags.

3. At all the other points I visited I found the Hau-hau fanatics entirely subdued, and tranquillity fully established.

4. The disturbances which have for so long a time unhappily prevailed are thus at an end, and I see every reason to hope that the existing tranquillity will not again be disturbed, and that New Zealand will continue rapidly to progress.

5. As a curious illustration of the change that has taken place in the country, I have the honour to enclose the copy of a letter which Mr. G. Graham has received from Wm. Thompson, from which you will find that he is about to bring his claims to land before a Land Court in the ordinary way.

I am on the point of starting for Tauranga, there to meet the tribes of Rotorua, and the interior, and I fear that from this cause I shall not have an opportunity of sending you any further letters by the April mail.

I have, &c.

(Signed) G. GREY.

The Right Hon. Edward Cardwell, M.P.,

&c.

&c.

&c.

Enclosure in No. 36.

Encl. in No. 36.

To GEORGE GRAHAM,

Waihou, March 8, 1866

YOUR letter has arrived. You said we were to meet at Tamahere, on the 13th of March, on Tuesday. Friend, what I wish is, on the 26th of March, as I have received a proclamation from the Native Lands Court (requesting) me to go to Hamilton on the 28th March. That is my reason for our meeting at Tamahere on the 26th March, and leave the 28th for the court.

All of my words.

Copy. True translation,

E. R. HECTOR.

From your friend,

(Signed)

W. TAMIHANA WAHAROA.

No. 37.

No. 37.

COPY of a TELEGRAM from Governor Sir GEORGE GREY, K.C.B., New Zealand,
to the Right Hon. EDWARD CARDWELL, M.P.

(No. 72.)

(Received, June 26, 1866.)

I HAVE seen Thompson and the other chiefs entire country quiet revenue much increased all advances for rations, &c. to be repaid each month troops fast going home.

The Right Hon. Edward Cardwell, M.P.,

&c.

&c.

&c.

NEW
ZEALAND.

Despatches from the Secretary of State.

No. 1.

No. 1. COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 9.)

SIR, Downing Street, January 25, 1866.

* Page 1.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 135* of the 10th November, reporting the formation of a new ministry under Mr. Stafford, and enclosing the ministerial statement which he made to the House of Representatives on the 19th October last.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 12.)

SIR, Downing Street, January 26, 1866.

I TRANSMIT to you for your information a copy of a letter from the Lords Commissioners of the Treasury, from which you will learn that their Lordships have authorized the Governor and Deputy Governor of the Bank of England to receive, and hold in deposit for them, certain New Zealand Government 4 per cent. debenture bonds to the amount of five hundred thousand pounds as collateral security for the repayment of advances made by Her Majesty's Government to the Colony. I expect shortly to receive from you a reply to my Despatch of the 23rd August, No. 66,* and hope that you will have lost no time in acquainting me with the views of your Ministers as to the final liquidation of the debt due from the Colony to the Imperial Government.

* Vide Papers
presented
Feb. 1866,
page 227.

I learn from a letter, of which I enclose a copy, that two payments have been reported to the Treasury of 1,380*l.* 2*s.* 6*d.* on the 18th October, and 1,486*l.* 2*s.* 7*d.* on the 6th November. As these payments were both subsequent to the receipt of the Despatches addressed to you and to General Chute by myself and the Secretary of State for War, respectively on the 26th July, I conclude that I shall receive some satisfactory explanation of what would otherwise appear to have been a contravention of the instructions conveyed in those Despatches.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL.
&c. &c. &c.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

SIR,

Treasury Chambers, January 20, 1866.

WITH reference to your letter of the 11th of August last, relating to certain New Zealand Government 4 per cent. debenture bonds, I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you the enclosed copy of a letter from the Crown Agents for the Colonies relating to these debentures, and to acquaint you that my Lords have authorized the Governor and Deputy Governor of the Bank of England to receive these debentures to the amount of five hundred thousand pounds from the Crown Agents, and to hold them in deposit on account of this Board, in the names of G. A. Hamilton, Esq., Assistant Secretary to the Treasury, and the Crown Agents, as collateral security for the repayment of certain advances made by Her Majesty's Government to that Colony.

I am, &c.

Sir Frederic Rogers, Bart.,
&c. &c. &c.

(Signed) GEO. A. HAMILTON.

Offices of the Crown Agents for the Colonies,

SIR, Spring Gardens, London, S.W., January 17, 1866.

NEW
ZEALAND.

ADVERTING to the last paragraph of your letter to Sir F. Rogers dated the 19th August last, on the subject of the deposit at the Bank of England, in the names of yourself and the Crown Agents, of New Zealand Government 4 per cent. debentures to the extent of 500,000*l.*, I have to request that the Lords Commissioners of the Treasury will give the necessary directions to the Bank to receive these debentures, which are now quite ready for delivery:—

1 to 200 of	£1,000 each	£200,000
1,001 to 1,300 "	500 "	150,000
2,251 to 2,625 "	200 "	75,000
501 to 1,250 "	100 "	75,000
		£500,000

G. A. Hamilton, Esq.,
&c. &c.I have, &c.
(Signed) W. C. SARGEANT.

Enclosure 2 in No. 2.

Encl. 2 in No. 2.

SIR,

Treasury Chambers, January 20, 1866.

WITH reference to your letter of the 26th ultimo, on the subject of advances from the Treasury Chest in New Zealand, I am directed by the Lords Commissioners of Her Majesty's Treasury to request that you will state to Mr. Secretary Cardwell that their Lordships have received a letter, dated the 7th of November last, from the officer in charge of the Treasury Chest at New Zealand, enclosing warrants from the officer in command of the forces, authorizing the advance from the Treasury Chest of 1,426*l.* 2*s.* 7*d.* for pay of militia, military settlers, and friendly tribes at Taranaki for the month of October, and 1,380*l.* 2*s.* 6*d.* for the month of November.

My Lords desire to call the attention of Mr. Cardwell to these further advances, as they apprehend that the Despatch, No. 54,* of the 26th of July 1865, instructing the Governor to discontinue the system of advances from the Treasury Chest, must have been received in the Colony at the time when these sums were advanced, and they cannot but express their surprise at the departure from those instructions.

Vide Papers
presented
February 1866,
page 221.Sir Frederic Rogers, Bart.,
&c. &c. &c.I have, &c.
(Signed) GEO. A. HAMILTON.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 13.)

SIR, Downing Street, January 26, 1866.

I HAVE received your Despatches, Nos. 136,* 139,* and 140,* of the 10th November. *Pages 4 and 5.

I have read with great pleasure in the Speech with which you prorogued the General Assembly your reference to the gallantry of Her Majesty's Colonial and Native forces, and the expression of your belief that the measures recently adopted affecting Her Majesty's subjects of the Native race are such as, if well administered, to ensure that their interests will be zealously guarded by the Legislature of New Zealand.

In considering the Address of the Legislative Council, together with the Resolution of the House of Representatives, and the Memorandum of your Ministry, I have no wish to revive the discussion with respect to the Weraroa Pah, and to the detention of the five regiments until after the fall of that fortress.

But you will take care that there is no misunderstanding with your Ministers, or with either branch of the Legislature, as regards the intentions of Her Majesty's Government, so positively conveyed to you in former Despatches. We cannot consent that the execution of those intentions should wait for or in any way depend upon the decisions of the next Parliament of New Zealand. We entirely adhere to the policy embodied in the Resolutions of the New Zealand Assembly in December 1864; and we entertain no doubt that you will have acted upon our express directions for the immediate removal of the troops, with the single reservation of an option to yourself and your Government of retaining three battalions and one battery on the terms expressed in my Despatch of the 27th November.

Whatever measures, therefore, your advisers may recommend to you for the defence of the country, must be taken under a thorough sense of the responsibility which attaches to their decisions.

NEW
ZEALAND.

The New Zealand Government have occupied large tracts in the Waikato and at Taranaki, with ample notice that the permanent defence of those occupations will not be maintained by an Imperial force. They have now the power of retaining in the Colony a portion of Her Majesty's Imperial troops, equal to the largest number of rebels who have ever been stated to be in arms against them. And this option is offered upon terms proposed in conference with a former Colonial Treasurer and adopted by the Imperial Parliament. If the Government and Legislature of New Zealand do not avail themselves of the opportunity thus afforded them, the responsibility must rest with them.

I have, &c.
(Signed) EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

No. 4.

No. 4.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 14.)

SIR,

Downing Street, January 26, 1866.

* Page 7.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 147,* of the 14th November, transmitting copies of your correspondence to the 13th October with Major-General Chute, as to the arrangements for the return of five regiments to England.

After the positive instructions which have been given to you by me, and to the officer commanding the troops by the Secretary of State for War, I cannot suppose that the difficulty of obtaining transport will have been allowed for want of timely arrangements to cause any unnecessary delay.

With regard to your recommendation that a part of the Royal Artillery and the Military Train serving in New Zealand should be sent home, and Major-General Chute's reply "that no authority had yet been received from the Secretary of State for War for the return of any part of these corps to Europe," I have to inform you that in February last, Lord de Grey directed Lieutenant-General Cameron to send home, in addition to the five battalions of infantry then ordered home, any portion of the regular troops remaining in the Colony which the Colonial authorities might wish to be withdrawn.

By the present mail Lord de Grey has called upon Major-General Chute to report his reasons for not having acted upon the receipt of your recommendation, in accordance with this instruction.

I have, &c.
(Signed) EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

No. 5.

No. 5.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 24.)

SIR,

Downing Street, February 24, 1866.

WITH reference to my Despatches No. 57 of the 1st of August and No. 87 of the 31st of October last, I transmit to you a copy of a further letter from the Chairman of the London Committee of the Northern Association of New Zealand, together with the answer which I have caused to be returned to it.

I have, &c.

(Signed) EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

Enclosure 1 in No. 5.

Committee Room, 23, Great St. Helen's, City, E.C.,
January 23, 1866.

SIR,

It will be in your recollection that I addressed to you a letter in April last on behalf of the London Committee of the Northern Association of New Zealand in relation to the petitions praying for a separate Government for the Province of Auckland, and with reference to a full report on the same

Jan. 23, 1866.
C. O. in reply,
Feb. 12, 1866.

Encl. 1 in
No. 5.

which Sir George Grey stated his intention to transmit by the next mail to that by which he forwarded the petitions. It now appears from the answer to a question put in the House of Representatives that "no such report was in existence." The committee of the association have resolved to take the liberty on the part of their constituents to address you again upon the subject of their petitions.

A comparison of the number of signatures to the several petitions with the statistics of the Colony will show that they are signed by at least nine tenths of the adult males of the Province of Auckland. The Governor of the Colony expressed himself in favour of the object of the petitioners, stating that unless by some such arrangement as that proposed by the petitioners, he saw little hope of putting an end to the troubles that afflict the Colony.

The committee therefore beg to submit to your impartial judgment whether it is just or expedient that the prayers of the colonists of Auckland, so fully expressed by themselves and favourably considered by Sir George Grey, should be overridden by a ministry consisting entirely of southern colonists who have no interest in the affairs of Auckland, unless in making them subservient to their personal ambition; and to pray on behalf of our fellow colonists that their petition may be referred to a Select Committee of Parliament to take evidence and report on the necessity of constituting Auckland a separate Colony.

By direction of the committee.

The Right Hon. Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) Wm. S. GRAHAME,
Chairman.

Enclosure 2 in No. 5.

Encl. 2 in
No. 5.

SIR, Downing Street, February 12, 1866.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 23rd ultimo, in which, on behalf of the London Committee of the Northern Association of New Zealand, you again call attention to the petitions sent home from that Colony praying for a separate Government for the Province of Auckland.

I am to inform you in reply, that no report was received from the Governor on the subject of these petitions, and that after waiting some months in anticipation of its arrival Mr. Cardwell informed Sir George Grey, on the 26th of July last, that Her Majesty's Government agreed with his advisers in regarding the Colony as a whole, and assumed, in the absence of any report from him to the contrary, that he concurred in this opinion. Sir George Grey was at the same time authorized to assure his advisers that the Colonial Government would receive the support of the Imperial Government in maintaining the unity of the Colony, and was instructed that the petitions for separation were to be answered in that sense.

Sir George Grey has not made any report upon the subject since receiving these instructions.

The Secretary to the London Committee of the
Northern Association of New Zealand.

I am, &c.
(Signed) W. E. FORSTER.

No. 6.

No. 6.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 25.)

SIR, Downing Street, February 26, 1866.

I HAVE again to call your serious attention to my repeated inquiries on the subject of the advances for pay and rations to Colonial Forces drawn from the Commissariat chest.

So long ago as last July, when I first heard that these advances had been renewed, I instructed you that they must be discontinued; and in October, when I learnt from the War Department that you understood that a new arrangement had been substituted for the very proper arrangement made, but not carried into effect by your Ministers, for the monthly liquidation of those accounts at the Sub-Treasury in Auckland, I explained to you that this new arrangement could not be approved by Her Majesty's Government.

There has not been time for your reply to my Despatch of October to be received in this country, but I have been surprised not to hear from you that no further increase in the debt of the Colony was in progress, and not to receive the views of your Ministers with respect to the ultimate liquidation of the debt.

I have, &c.
Governor Sir George Grey, K.C.B. (Signed) EDWARD CARDWELL.
&c. &c. &c.

NEW
ZEALAND.
No. 7.

No. 7.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 27.)

SIR,

Downing Street, February 26, 1866.

5 December 1865, No. 153, page 8.
5 December 1865, No. 154, page 9.
9 December 1865, No. 155, page 10.
11 December 1865, No. 156, page 12.
12 December 1865, No. 157, page 14.
12 December 1865, No. 158, page 22.
14 December 1865, No. 161, page 24.
14 December 1865, No. 162, page 25.
15 December 1865, No. 163, page 28.

I HAVE to acknowledge the receipt of your Despatches numbered and dated as in the margin.

I have communicated these Despatches to the Secretary of State for War.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 8.

No. 8.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 30.)

SIR,

Downing Street, March 26, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch No. 15,* of the 13th of January, forwarding for my information a copy of a memorandum from your late Responsible Advisers, which you had omitted to send home, relative to the Waitotara purchase. The enclosure to my Despatch of the 23rd of December* will have enabled you to report upon this question.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 9.

No. 9.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 32.)

SIR,

Downing Street, March 26, 1866.

I FORWARDED for the consideration of the Lords Commissioners of the Treasury, copies of your Despatches of the numbers and dates noted in the margin, relating to

No. 1, 1 January 1866, page 37.
No. 6, 8 January 1866, page 57.
No. 9, 12 January 1866, page 67.
No. 11, 13 January 1866, page 72.
No. 13, 13 January 1866, page 73.

the state of the account between the Colonial and Home Governments, and the issue of advances from the commissariat chest.

I have the honour to transmit for your information a copy of the letter which has been received in reply, and, in accordance with the wish expressed by their Lordships, I have to request that, in concert with your Responsible Advisers, you will appoint some person on behalf of the Colony who may be authorized to examine the accounts with Commissary-General Jones, if that officer should still be in the Colony when this Despatch arrives, in order that some definite agreement may be arrived at as to the precise liabilities incurred by the Colony.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

* Page 75.

* Vide Papers
presented
February 1866,
page 26.

Mar. 24, 1866.

Enclosure in No. 9.

Sir, Treasury Chambers, March 24, 1866.

NEW
ZEALAND.

Encl. in No. 9.

I HAVE laid before the Lords Commissioners of Her Majesty's Treasury your letter of the 22nd instant, together with the copies of Despatches therein transmitted from the Governor of New Zealand relative to the state of the account between the Colonial and Home Governments, and the issue of advances from the Treasury Chest.

I am to state, for the information of the Secretary of State, that as regards the question raised in these papers as to the capitation rate for Her Majesty's troops in New Zealand, my Lords do not at present express any opinion.

As regards the accounts between the Colonial and Home Governments in respect of advances made from the Treasury chest in New Zealand, as to which explanations have been furnished to the Governor by his Responsible Advisers, my Lords are not prepared to admit the correctness of the statements contained in these papers. They adhere to the figures specified in the account laid before Parliament in the present session, upon which a supplementary vote of 764,829*l*. has been taken for the purpose of making good these advances to the Treasury chest and to army grants.

In order, however, that some definite agreement may be arrived at with the Colonial authorities as to the precise liabilities incurred by the Colony in respect of these advances, my Lords propose to instruct Commissary-General Jones to put himself in communication with any person who may be deputed by the Colonial Government for that purpose, and to go minutely into the several items comprehended in this account—both claims and counter-claims (exclusive of the capitation charge)—reporting to this Board the result which may be arrived at.

My Lords attach great importance to this being done before the Commissary-General leaves the Colony, and I am to request that you will move Mr. Cardwell to instruct Governor Sir George Grey accordingly.

Sir Frederic Rogers, Bart.
&c. &c.

I am, &c.
(Signed) GEO. A. HAMILTON.

No. 10.

No. 10.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 33.)

Sir, Downing Street, March 26, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch No. 2 of the 1st of January,† on the subject of the differences which existed between Sir D. Cameron and yourself in respect of the capture of the Weraroa Pah.

† Page 39.

It is only necessary that I should refer you in reply to my Despatch No. 5 of the 20th of that month, informing you of the decision which had been arrived at by Lord De Grey and by myself, that the time had arrived for closing this painful discussion.

I have, &c.

Governor Sir George Grey, K.C.B. (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 11.

No. 11.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 34.)

Sir, Downing Street, March 26, 1866.

I HAVE received with great satisfaction your Despatches of 13th January, Nos. 10 and 14,‡ in which you report to me the successful result of the operations on the west coast, by which the fanatic and rebel Natives, who had murdered messengers of peace and other inoffensive people, were defeated by Her Majesty's forces under Major-General Chute, with but trifling loss on our side; and the details of the action between Her Majesty's Colonial forces, European and Native, under Major Fraser, on the Wairoa River, near Napier, in which the Colonial forces behaved with great gallantry, and defeated the enemy with considerable loss. I learn with great pleasure that you are able to say that from the active measures now taken the whole west coast of the Island will shortly be placed in a state of entire security; and beg you will assure Major-General Chute and the officers and men who have been thus engaged, that Her Majesty's Government have not failed to appreciate the services they have rendered. I much regret the loss of Captain Hussey while gallantly taking part in the operation so successfully conducted by Major Fraser.

‡ Pages 69 and 73.

I have also received a telegraphic message from you which left Galle on 15th instant, and which I am informed would leave Melbourne about 24th February, to the effect that General Chute's operations had ended; that they had been entirely successful;

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that the whole country was quiet, except a few murders near Opotiki; that pacification was proceeding in all quarters; and that certain regiments of Her Majesty's troops are in course of embarkation. The telegraphic message is, I presume, in anticipation of Despatches which I shall receive by the next mail; and I need scarcely say that it is in the highest degree satisfactory.

In your Despatch of 13th January, No. 13, you refer to the instructions which I had addressed to you in October on the subject of the appropriation to be made by the New Zealand Assembly for such troops as your Ministers might desire to retain in the Colony; and you inform me that your Responsible Advisers are of opinion that in the present financial state of New Zealand it would be impossible for the Colony to pay that contribution; that under these circumstances you will proceed to place at the disposal of Major-General Chute Her Majesty's forces in New Zealand, with a view to their early removal from the Colony; but that you will advise Major-General Chute only to allow Her Majesty's forces to leave the Colony at the rate of one regiment every two months.

You justly observe that it would be my earnest wish to prevent any serious difficulties from arising under your Government, but at the same time it is necessary to observe that Her Majesty's Government are pursuing a course in the removal of the troops, which has not only been declared by them to the Imperial Parliament, but has been formally adopted by the Assembly of New Zealand in the Resolutions of December 1864. My Despatch of November 27* will have enforced in greater detail the intentions of Her Majesty's Government, and you will have learnt from Major-General Chute that he has been instructed by the Secretary of State for War to carry those intentions into effect as rapidly as he can obtain transport for that purpose. I have only therefore once more to repeat that my Despatch of November 27th must be regarded by you as conveying the decision to which Her Majesty's Government adhere.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

* Vide Papers
presented
February 1866,
page 259.

No. 12.

No. 12.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 35.)

SIR,

Downing Street, March 26, 1866.

I HAVE received your Despatch No. 1* of the 1st January, and one from Major-General Chute to the Secretary of State for War, from which it appears that some advances, not indeed very large in amount, but still directly at variance with my instructions, had again been made from the military chest for the payment of Colonial Troops, viz. :—

Estimated amount of pay for European and Native force at	£	s.	d.
Wanganui for November 1865	-	-	251 5 0
Estimated amount of pay for militia, military settlers, and			
friendly natives at Taranaki for December 1865	-	-	1,426 2 7
For local forces at Wanganui for December 1865	-	-	1,594 10 0

It does not appear what course has been pursued with respect to supplies of rations.

The instructions contained in the Circular of the Treasury of October 1857 to which you refer do not authorize a system of advances, "except under circumstances of "pressing and extraordinary emergency;" and I pointed out to you, in my Despatch of 26th September last, what indeed was already evident, that payment of the ordinary expenditure of the Colonial forces is not a case falling within this exception. The exception was intended to meet some sudden and unexpected danger, which could not have been foreseen by the Colonial Government. It does not extend to operations like those undertaken by you at Taranaki, for which all pecuniary provision ought to have been made beforehand, and indeed was professedly made by the provision that all advances should be repaid monthly at the Colonial Treasury at Auckland.

I will not again refer to the disputes between yourself and General Cameron. They have been productive of great mischief to the Colony, but they do not afford any justification for the breach of the engagement made by your Government, to which I have just referred, nor for the renewal of this system of advances, still less for its continuance after the receipt of my Despatch of July. In another Despatch of the present date I have conveyed to you the wishes of Her Majesty's Treasury, and my instructions

* Page 37.

with respect to an examination of the account by some person appointed on behalf of the Colony, and the Commissary-General; and I have now positively to instruct you that all advances of pay and rations are prohibited.

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ZEALAND.

I have, &c.

Governor Sir George Grey, K.C.B. (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 13.

No. 13.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 36.)

SIR,

Downing Street, March 26, 1866.

I HAVE the honour to transmit to you, for the information and guidance of yourself and of your Responsible Advisers, copies of a correspondence between the War Office and this Department respecting the withdrawal of the company of the Royal Engineers now serving in New Zealand.

I have, &c.

Governor Sir George Grey, K.C.B. (Signed) EDWARD CARDWELL.
&c. &c. &c.

Enclosure 1 in No. 13.

Encl. 1 in
No. 13.

SIR,

War Office, March 22, 1866.

I AM directed by the Secretary of State for War to transmit to you, for the consideration of Mr. Secretary Cardwell, the enclosed copy of a memorandum from the Deputy Adjutant-General of Royal Engineers, in which it is proposed to withdraw the sixth company of Royal Engineers, without relief, from New Zealand.

The Marquis of Hartington is desirous of being informed whether, in Mr. Cardwell's opinion, this company, which is not referred to specifically in the instructions with regard to the withdrawal of the troops addressed to Sir George Grey, can be spared. Should it be the wish of the Colonial Government to retain it, or should a corresponding body of Royal Engineers have to be sent out to relieve it, Lord Hartington presumes that provision will not fail to be made by the Colonial Legislature for defraying the entire cost.

I have, &c.

Sir Frederic Rogers, Bart. " (Signed) EDWARD LUGARD.
&c. &c.

MEMORANDUM for the QUARTERMASTER-GENERAL.

Horse Guards, March 16, 1866.

WITH reference to that portion of the memorandum from this department, dated 10th November last, recommending that the 6th company, at present serving in New Zealand, should during the ensuing year be relieved by the 24th company from England, the Deputy Adjutant-General of Royal Engineers has the honour to submit for the favourable consideration of His Royal Highness the Field Marshal Commanding-in-Chief, that in consequence of the very pressing demands for men of the corps, and as the greater portion of the royal troops are proposed to be withdrawn from that Colony, that the 6th company should be brought home as early as practicable, and not be replaced by another from England.

(Signed) H. F. KEANE, Lieut.-Col.,
Deputy Adjutant-General Royal Engineers.

Enclosure 2 in No. 13.

SIR,

Downing Street, March 24, 1866.

Encl. 2 in
No. 13.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 22nd instant, stating that the Marquis of Hartington would wish to be informed whether the detachment of Royal Engineers now stationed in New Zealand can be spared; or, if not, whether a corresponding body should be sent out to relieve it.

I am to acquaint you in reply, that as it appears from the last Despatches received from Sir George Grey, copies of which have been forwarded to you, that the Colonial Government have refused to make provision for the payment of the troops at the rate of 40*l.* a head, in accordance with the conditions laid down by Her Majesty's Government, Mr. Cardwell is of opinion that instructions should be sent to Major-General Chute by the mail of the 26th instant to despatch the Engineers to England by the earliest possible opportunity which may present itself of procuring the means of transit for them, unless it should so happen that before the receipt of those instructions the Local Government had actually provided for, and were paying the 40*l.* a head, in which case it might be left to Sir George Grey to retain them until he had an opportunity of communicating on the subject with the Home Government.

A communication to this effect will be made to Sir George Grey by the mail of the 26th.

I have, &c.

The Under Secretary of State for War. (Signed) FREDERIC ROGERS.
&c. &c. &c.

NEW
ZEALAND.

No. 14.

No. 14.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 37.)

SIR,

Downing Street, March 26, 1866.

I HAVE the honour to acknowledge your Despatches, No. 7* of 8th January, in which you say, "In compliance with the recommendation of my Responsible Advisers, I have the honour herewith to transmit a petition from the Auckland Provincial Council to Her most Gracious Majesty the Queen, praying that the northern portion of these Islands may be constituted a separate Colony, under a constitution calculated to establish and maintain peace, order, and good government. My Responsible Advisers in transmitting this petition to me have not made any remarks upon it," and No. 4* of 4th January, in which you state that the opinion you originally conveyed to me in your Despatch of † 5th January 1865 still remains unaltered, and proceed to say: "The opinion I hold is based upon the necessity of strong, instantly acting, and entirely impartial government, in a case in which a European race and a powerful and jealous semi-barbarous race are mingling together. A country so circumstanced requires more government than a country in which an ordinary state of things prevail. I think that with such a government the happiness and peace of both races in the province of Auckland might be shortly insured, and that the present anomalous state of things would soon cease to exist there. I fear that without some such arrangement as is proposed is carried out, a long time of difficulty and trial lies before the northern part of this Island, which I should naturally regret to see it subjected to, because I believe it to be unnecessary."

I have felt myself fully entitled to conclude, since you abstained from fulfilling your intention of reporting to me upon this subject 12 months ago, that you had adopted the views of your former Advisers, and when you conveyed to me their Memorandum of the 20th March, which closed with the statement that they assumed that the Colonial Government would receive the firm and unwavering support of the Imperial Government in maintaining the unity of the Colony, I told you in reply that I inferred your own opinion to be in unison with theirs, and I authorized you to answer in the same sense the petitions which you had forwarded to me from Auckland.

Several mails have intervened without my receiving any intimation of your views. But if your opinion has all the while remained unaltered it must, I think, have occurred to you that, in the adoption of any such measures, there would be many obvious difficulties, and that I should be glad to know your views on the possibility of overcoming them, and the mode by which they could be overcome. When the Crown and Parliament have deliberately established in any Colony the system of responsible government, when that government has been in existence several years, when institutions general and local have grown up under it, private interests have arisen, and public debts have been contracted, it is no easy task to retrace these steps. Even if I were assured by the voice of the Legislature of New Zealand that the public feeling of the Colony was in favour of such a course, many practical questions of great difficulty would require solution before I should be justified in assenting to it on the part of Her Majesty's Government. But in the present instance the presumption is that the public feeling of the Colony is adverse to any such proceeding. You inform me, indeed, that you transmit this address by the advice of your present ministers, but you do not state, and I do not infer, that they support its prayer.

I request you will inform the Speaker that the address of the Provincial Council of Auckland has been laid before the Queen, who has been pleased to receive it very graciously, but that you have not been authorized to hold out any expectation that Her Majesty's Government would be able to advise a compliance with its prayer.

Since, however, you think the happiness and peace of the Colony so much interested in the question, I have too much regard for your opinion, so long cherished and so deliberately entertained, not to consider whether it is not possible to attain the object which you have in view. If it be necessary in your judgment that a strong instantly acting and entirely impartial Government should be established in the Province of Auckland to meet a case in which two races, one European the other jealous and semi-barbarous, are mingling together, and if your opinion be supported by that of the Province itself, you will do well to submit for the consideration of your Responsible Advisers the question, not whether a separate Colony should be created in the Northern Island by the dismemberment of New Zealand, but whether the Legislature of New Zealand might not by local and temporary enactments meet the necessity which you have declared to exist.

* Pages 66 and
56.

† Vide Papers
presented
6 April 1865,
page 5.

It might, indeed, be found that under the Constitution Act these enactments required the aid of the Imperial Parliament, and in that case it would be the duty of Her Majesty's Government to give their attention to the subject, and you might be assured that measures recommended by you as calculated to promote the peace and welfare of the Province, acceptable to the Provincial Council, and adopted by the Legislature of New Zealand, would receive full consideration from the Government and Parliament of this country.

I have, &c.

Governor Sir George Grey, K.C.B. (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 15.

No. 15.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 38.)

SIR, Downing Street, March 26, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 164* of the 16th of December, forwarding for my information copies of a correspondence between the officer commanding the troops and yourself, respecting a difference of opinion which existed between you with regard to the occupation of Pipiriki.

* Page 33.

I have, &c.

Governor Sir George Grey, K.C.B. (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 16.

No. 16.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 39.)

SIR, Downing Street, March 26, 1866.

I HAVE the honour to acknowledge the receipt of your Despatches, Nos. 165 and 166,† of the 30th December last, the former enclosing a report of an interview which had been held with the Pai-Marire Natives of the Waikato District, and the latter transmitting an account by Mr. Commissioner Mackay of a meeting between Werenin Patene, a friendly chief, and Rewi with other chiefs of his tribe.

† Pages 34 and 35.

I have, &c.

Governor Sir George Grey, K.C.B. (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 17.

No. 17.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 42.)

SIR, Downing Street, April 17, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 19,‡ of the 20th January, forwarding for my information copies of two reports from Mr. Booth, containing a very satisfactory account of the state of the Native population of the Lake Taupo District.

‡ Page 76.

I have read these reports with much pleasure.

I have, &c.

Governor Sir George Grey, K.C.B. (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 18.

No. 18.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 44.)

SIR, Downing Street, April 20, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 23,§ of the 13th February, informing me of the decision which had been arrived at with regard to

§ Page 100.

NEW
ZEALAND.

the manner in which the Natives accused of the murders of the late Mr. Fulloon and of Mr. Volkner should be tried; and I have to express my entire concurrence in the views expressed by yourself and by your Responsible Advisers on this subject.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No 19.

No. 19.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor SIR GEORGE GREY, K.C.B.

(No. 47.)

SIR,

Downing Street, April 26, 1866.

* Page 101.

London Com-
mittee, April
1866.
Col. Office,
April 26, 1866.

WITH reference to my Despatch, No. 24,* of the 24th February last, I have the honour to transmit to you for your consideration, and for that of your Responsible Advisers, the accompanying copies of a further correspondence with the London Committee of the Northern Association of New Zealand respecting the petitions in favour of a separate Government for the Province of Auckland.

I have, &c.

Governor Sir George Grey, K.C.B.
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Enclosure 1 in No. 19.

Encl. 1 in
No. 19.

Committee Rooms of the London Committee of the
Northern Association of New Zealand,
23, Great St. Helen's, City, E.C., April 1866.

SIR,

I HAVE the honour to inform you that the London Committee of the Northern Association of New Zealand have received from the Council of that association the enclosed memorandum, with copy of Act of Assembly therein referred to, which they desire the London committee to submit for your consideration.

In their correspondence with this committee the Council of the association advert to the fact of the present Provincial Council of Auckland having been elected on the pledge of prosecuting their endeavours to obtain a separate Government for that Province, independent of any interference or connexion with the southern Colonies; and to the fact that the first action taken by the Provincial Council was the preparation of a petition to the Queen renewing their prayers for a measure which they consider essential to the peace and welfare of the Province.

This committee received a copy of the petition alluded to by the last mail; and by the present mail they have learned that on its meeting after adjournment the Provincial Council had agreed to a resolution that similar petitions should be prepared to both Houses of Parliament, to be forwarded respectively to Earl Russell and the Right Honourable Mr. Gladstone for presentation.

This committee cannot refrain from renewing their solicitation that you would favour the appointment of a Parliamentary Committee to investigate the case of the colonists of Auckland, a *précis* of which is also enclosed herewith. Looking at the extent of the business with which the House of Commons is occupied, the committee propose, if possible, to obtain the consent of a member of the House of Lords to move for a Committee of that House; and they respectfully pray the consent of Her Majesty's Government to that proposition.

I have, &c.

The Right Hon. E. Cardwell, M.P.
&c. &c. &c.

(Signed) WM. S. GRAHAME,
Chairman London Committee.

MEMORANDUM of the Council of the Northern Association, Auckland, New Zealand, transmitted to the London Committee for the purpose of being laid before Her Majesty's Principal Secretary of State for the Colonies.

THE Council of the Northern Association of New Zealand request the attention of the Secretary of State for the Colonies to two Acts recently passed by the General Assembly of that Colony, which it believes to have an important bearing on the subject of the separation of the Islands into mutually independent Colonies. The Acts referred to are the "Representation Act, 1865," and the "Outlying Districts Police Act, 1865," of which latter a copy accompanies this.

By the former Act a majority of votes in the House of Representatives is given to the southern Island. The latter Act, having been introduced and passed through the Assembly by a Ministry representing southern interests, may be taken to indicate the policy likely to be adopted by a southern Government in relation to native affairs.

So far as the Council understands the provisions of the "Outlying Districts Police Act" it empowers the Government to confiscate land in any district where the Natives fail to arrest any Native suspected of being guilty of murder, &c., who shall be supposed to be harboured within such district. This Act was passed in opposition to the views of the northern members, and that, in the opinion of those who

are likely to be well informed on the subject, it cannot be brought into operation in the Province of Auckland except at great risk to the widely scattered settlers of that province.

The policy is now advocated in the south, that war may at any time be carried on against the Natives without cost to the southern Island, and that the expense of native wars can be met by the confiscation of native land. This Council believes such a policy to be most delusive and dangerous. The mere cost of military operations is no measure of the ruinous consequences, to the northern settlers, of a protracted Maorie war.

The objections made by his Grace the late Duke of Newcastle, and by the Right Honourable Mr. Cardwell, to the "New Zealand Settlements Act, 1863," appear to the Council to be more cogently applicable to the "Outlying Districts Police Act, 1865." Without pronouncing any opinion at present as to the necessity and suitableness of the former Act, this Council is convinced that the application of the policy now advocated in the south will by the Natives be regarded, "not as a punishment for rebellion and murder, but as a new and flagrant proof of the determination of the colonists to possess themselves of land at all risks to themselves, and at any cost,"* and "as rendering permanently insecure the tenure of native property throughout the Islands."†

The confidence of the Natives has yet to be gained before a lasting peace can be established in the country. It is possible that, by wise government, the Natives may be brought to see that they have a common interest with the settlers in the progress of the Colony, and that their true wisdom is to make common cause with Europeans in developing the resources of the country, and, instead of relying on their own strength, to trust to the protection of the law. But no hope of a secure establishment of peace can be entertained so long as the Natives regard the intentions of the Government with suspicion and distrust.

The southern Island has now a majority of votes in both houses of the General Assembly. It will be in the power of a southern ministry, notwithstanding the opposition of the representatives of the north, to force through the Assembly measures calculated to keep alive the suspicion of the Natives, and thereby to render the restoration of mutual confidence between the two races impossible.

If Her Majesty's Government is not prepared to undertake the responsibility of establishing peace, order, and good government in the northern districts of New Zealand, the northern settlers not unreasonably claim to be left to govern themselves, and to determine the policy of which they have to bear the cost and to reap the fruits. They are content to be left to rely upon themselves, and to live with their Maorie neighbours as best they may; but they are not content to be, at any moment, embroiled with the Natives by the people of another Island, who are secure from personal danger, who avow their ignorance of native affairs, and who have comparatively little interest in the maintenance of peace.

That this Council may not be thought intrusive in submitting to the Secretary of State a question relating to the internal policy of New Zealand, it begs to state that the members of the Northern Association whom it represents have a very large stake in the country, and that they are especially interested in the successful colonization of the northern Island.

Auckland, New Zealand,

February 6, 1866.

Sub-Enclosure.

NEW ZEALAND.

Anno vicesimo nono Victoria Reginae.

No. 23.

ANALYSIS.

- | | |
|--|--|
| Title. | 6. Land of innocent persons exempt. |
| Preamble. | 7. Money how to be spent. |
| 1. Short Title. | 8. Natives may agree with Governor to dedicate lands to maintain police, &c. |
| 2. Governor may demand criminals to be given up. | 9. Power of trustees. |
| 3. District may be proclaimed. | 10. Governor to appoint and remove trustees. |
| 4. Governor may take lands. | |
| 5. Land to be taken according to guilt of persons. | |

AN ACT for maintaining the Queen's Peace within certain Districts of the Colony and for charging the cost thereof upon such districts. [9th October 1865.]

Whereas it is necessary that some further provision should be made for enforcing the law and for arresting criminals in certain districts of the Colony, and for charging upon the districts in which any outrages may occur the cost of arresting and bringing to trial the perpetrators thereof, and such other expenses as may be necessary for maintaining the peace within such districts.

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

I. The short title of this Act shall be "The Outlying Districts Police Act, 1865."

II. If any murder, assault with intent to kill, rape, or assault with intent to rape, burglary, arson, or armed resistance to any officer of the law, shall have been committed in any district of the Colony, and the perpetrators or suspected perpetrators thereof shall be concealed, harboured, or protected by the inhabitants of such district or of any other district, so that the perpetrators of such offences cannot be arrested and committed for trial according to law, it shall be lawful for the Governor to issue

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Title.

Preamble.

Short title.

Governor may demand criminals to be given up.

* Despatch of Duke of Newcastle, November 26, 1863.

† Despatch of Mr. Cardwell, April 26, 1864.

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a proclamation, calling upon the Chiefs and other inhabitants of any or every such district to aid in the arrest of such criminals or suspected criminals, and giving warning that in case such criminals or suspected criminals shall not be arrested on or before a certain day specified in such proclamation, the district within which any such offence shall have been committed, and every district within which any such criminal or suspected criminal shall have been concealed, harboured, or protected is liable to be brought under the operation of this Act; and the Governor shall cause such proclamation to be published in every district to which the same shall relate in such manner as he shall think fit: Provided always, that every such proclamation shall be issued as regards the district in which any such crime shall have been committed within three months after the commission of such crime, and as regards any other district, within three months after the Governor shall have been informed that such criminals or suspected criminals are being harboured, concealed, or protected therein.

District may be
proclaimed.

III. If after such proclamation the Chiefs and other inhabitants of any such district shall persist in refusing or neglecting to deliver up such criminals or suspected criminals to justice, or to aid in their arrest, and if such criminals or suspected criminals shall not have been arrested within a period to be defined in such proclamation, not being less than fourteen days after such proclamation shall have been published in the district, it shall be lawful for the Governor by an Order in Council, and he may declare that such district is brought under the operation of this Act, and every such Order shall define as accurately as possible the boundaries of the district so declared, and from and after the date of such Order such district shall be a proclaimed district within the meaning of this Act: Provided that the limits of any district, as brought under the operation of this Act, may be from time to time altered by the like authority.

Governor may
take lands.

IV. It shall be lawful for the Governor to take so much of the lands within any such proclaimed district as he shall think necessary for the purposes herein-after mentioned, and either to sell the same or any part thereof to purchasers, or to convey the same or any part thereof to trustees, to be held in trust for the purposes herein-after mentioned, and all lands so taken shall become demesne lands of the Crown, and it shall be lawful for the Governor to issue Crown grants for all such lands to such purchasers or trustees; and such Crown grants shall convey the fee simple thereof, and shall constitute a valid and effectual title to the lands named therein.

Lands to be
taken according
to guilt of per-
sons.

V. In taking any such land regard shall be had so far as possible to the several degrees in which the owners thereof shall have been implicated in the said crimes, or in concealing or protecting the perpetrators of the same from justice, so that the land of the principals in any such crime shall be taken first, and before taking any such land the Governor shall appoint one or more commissioners, being competent persons, who shall inquire and report to the Governor what lands are the property of each person concerned in such crime, or in concealing or protecting such criminals.

Land of inno-
cent persons
exempt.

VI. It shall not be lawful for the Governor to take under the authority of this Act any land being the sole property of any person who was absent from the district, and was not concerned in such crime, or in concealing such criminals, or who may have endeavoured, by giving information or otherwise, to aid in giving up such criminals or suspected criminals to justice; and if any such person shall have any joint interest, or interest in common, in any land which shall be taken under the authority of this Act, he shall be entitled to compensation for the loss of such interest to be assessed by the Native Lands Court.

Money how to
be spent.

VII. All monies arising from the sale, letting, or other disposal of any lands taken under the authority of this Act, shall be paid by the trustees or other persons receiving the same to the Colonial Treasurer, and shall be applied in such manner as the General Assembly shall direct to the following uses and to none other:—

- (1.) To make provision for the widows, children, parents, unmarried sisters of, or other relatives dependent for their support upon any person whose life may have been lost by any such crime.
- (2.) To compensate any person who may have suffered personal injury, or any loss or damage of goods by any such crime.
- (3.) To compensate any person who may have lost any interest in land, as herein-before mentioned, taken under the authority of this Act.
- (4.) To defray the expenses incurred in arresting and bringing to justice any such criminals as aforesaid.
- (5.) To pay the salaries of magistrates, police officers, and constables in such district.
- (6.) To erect such buildings as may be necessary for the maintenance of such police, and for the administration of justice within such district.
- (7.) To establish and maintain hospitals within such district.

Natives may
agree with
Governor to
dedicate lands
to maintain
police, &c.

VIII. If the native Chiefs and other inhabitants within any district of the Colony, shall agree with the Governor that a certain part of the lands within such district, over which the native title shall not have been extinguished, shall be set apart and dedicated for ever to the purpose of maintaining order within such district, the Governor shall cause the title to such lands to be referred to the Native Lands Court; and if the owners thereof, in whose favour the certificate of the Native Lands Court shall have been issued, shall by a deed under their hands consent to the appropriation of the said land in the manner aforesaid, it shall be lawful for the Governor to issue a Crown grant conveying such land to trustees to be held in trust for the following purposes, that is to say:—

- (1.) To pay the salaries of magistrates, police officers, and constables within such district.
- (2.) To erect such buildings as may be necessary for the maintenance of such police, and for the administration of justice within such district.
- (3.) To establish and maintain hospitals within such district.

Provided that if the said owners and the Governor shall agree that any part of the said lands may be sold for the purpose of raising funds for the erection of buildings or other necessary works for carrying

out the objects herein described, it shall be lawful for the trustees to sell any such lands, and to convey the same to the purchasers thereof.

IX. The trustees to whom any lands shall be conveyed in trust by the Governor under the authority of this Act, shall have power to let such lands or any part or parts thereof on lease, on such terms and conditions, and for such periods, and subject to such rent as the Governor in Council shall determine.

X. The Governor shall have power by warrant under his hand at any time and from time to time to remove any trustee to whom any such land has been conveyed on trust as aforesaid, and on the death, resignation, or removal of any such trustee, to appoint, by warrant under his hand, any other person in the place of the trustee who shall have died, resigned, or been removed, and such person so appointed shall immediately upon such appointment become seized of and entitled to such land jointly with any remaining trustee, subject, however, to the trusts upon which the land was originally conveyed by the Governor.

NEW
ZEALAND.
—
Power of
trustees.

Governor to
appoint and
remove trust-
tees.

PRÉCIS of the Case of the Colonists of Auckland, as represented in Eight distinct Petitions to the Queen and both Houses of Parliament between 1853 and 1866.

1. In the year 1840 the Colony of Auckland was settled by the authority of the British Government Captain Hobson, R.N., having been appointed the first Lieutenant-Governor of New Zealand, and Auckland having soon after been proclaimed by Her Majesty's instructions to be the capital of the New Zealand Islands.

2. Simultaneously with the settlement of Auckland the New Zealand Company established a Colony in Cook's Straits to which they gave the name of Wellington. The same Company subsequently established four other Colonies—one in the Northern Island, and three in the Southern Island.

3. The government of the whole was administered from Auckland for a considerable period; but about the year 1846 a Lieutenant-Governor was appointed for Wellington. There was also a Council of nominated members at Auckland, and the same at Wellington.

4. In 1852 the present Constitution Act came into force. At that date each of the six Colonies—even Taranaki, the smallest of them—was perfectly competent to maintain a Legislature and Government of its own, on the model which proved successful in America, before the settlement of the penal Colonies in Australia introduced a colonial system which was suited to a penitentiary, but not to a Colony of British freemen. Until that period there was no instance of a British Colony without representative institutions generally on the model of those of the mother country, viz.:—a Governor or Lieutenant-Governor appointed by the Crown; a Legislative Council of the chief inhabitants, also nominated by the Crown; and a House of Representatives elected by the Colonists. No taxes could be levied or expended but by an Act of these three branches of the Legislature. And in such Colonies the taxation was extremely light. The Legislature met for a few days in each year, and passed Acts of appropriation and other Acts of local regulation—the laws of England, so far as applicable to the circumstances of each settlement, being in force therein. Each Colonist knew for what purposes he was taxed, and in what manner the public money was expended, and the simple business of the community was conducted with the utmost efficiency as well as economy, there being no inlet for jobbery or corruption.

5. Such would also have been the case in the New Zealand Colonies had each of them been left to make its roads, bridges, and wharfs, and attend to its own little affairs without the interference of its neighbours.

6. It is a remarkable fact that all the New England Colonies have preserved their original boundaries and political institutions from the date of their settlement, not only till they achieved their independence, but to the present day; while, to serve some selfish or temporary purpose, the political institutions of New Zealand have been continually tampered with and altered—each alteration only creating fresh complications and difficulties—and three of the six original Colonies have already been subdivided.

7. No Colony was ever more distinct from all other Colonies than each of the Colonies settled in New Zealand from all the rest. They had no interests in common. They had no commercial or social relations to each other, being separated by an almost impenetrable wilderness. It may be useful to compare their geographical relations to each other with those of the New England Colonies, which were nearly of the same extent as the New Zealand Islands. The province of Maine, which for many years remained a wilderness, occupied more than one-half of the area of the Colonies of New England. The rest was divided into very small provinces—that of Rhode Island, for example, being only one-sixteenth the extent of the province of Auckland. All the New England Provinces lay compactly together, so that the greatest distance between any two of the capitals of those provinces did not exceed 125 miles: whereas New Plymouth, the capital of Taranaki, the nearest province to Auckland, is 160 miles, and Dunedin, the capital of Otago, the Colony most distant from Auckland, is 667 miles from that city. But there was no attempt to unite the American Provinces by a confederation until their independence of the mother country created external relations for which it was necessary to provide. The New Zealand Constitution Act of 1852 established in each of the six Colonies an elective Provincial Council, and an administrative officer called a Superintendent, who was also elected; and gave them power to make laws, excepting on thirteen subjects, the power to legislate upon which was reserved for a General Assembly consisting of the Governor of New Zealand, a nominated Council, and an elected House of Representatives from all the Colonies—the laws of this General Assembly overriding those of the local Councils. Such a constitution is altogether unprecedented in the history of dependencies: nor is it more a novelty than it is an anomaly in colonial polity. It can only be accounted for by the ambition and cupidity of the leaders of the New Zealand Company's Colonies, who scorned the narrow limits to

which the simple management of their local affairs would have confined their statesmanship and limited their speculations.

8. The "General Government" of a federation of Colonies, while they remain dependencies, can, from the nature of the case, have no legitimate functions. It can only act by usurping the functions which necessarily belong to the sovereign power, and are inalienable from it; or by encroaching on the rights of the separate provinces—that is, by interfering with their right to tax themselves, and to appropriate the proceeds of their taxation, and to make such local laws and regulations as the Colonists of each separate province are alone competent to understand and to make for themselves. The Constitution Act was a hurried piece of legislation. It satisfied none of the statesmen who took part in the debate; but it was allowed to pass as the Parliament was then "in a state of dissolution." And the debate shows that its peculiar features were suggested by Mr. Gibbon Wakefield and his associates of the New Zealand Company.

9. The fruits of a constitution so complicated have been for a long time apparent in the confusion and ruin to which the Colonists of the Northern Island particularly have been subjected. The state of New Zealand can only be described as that of an organized anarchy. The first war in 1845 was the result of the New Zealand Company's influence over the local Government. The war now or lately raging was the result of the ambition of the New Zealand Company's politicians, who became Colonists that they might be the rulers of an infant nation, and who, by the system called "Responsible Government" have been allowed to usurp the powers which belong to the Governor alone, by virtue of his Commission and the Constitution Act. Another result has been that the Colonists are overwhelmed with taxation and debt, the rate of debt in proportion to the population being nearly double that of the national debt of Great Britain, the latter being about 25*l.* per head of the population, the former 45*l.* per head; the taxation of Great Britain about 2*l.* 12*s.* per head, the customs duties of New Zealand about 4*l.* 10*s.*

10. The Provincial Legislature of Auckland has maintained a uniform and consistent protest against a constitution which placed their affairs in the hands of a majority of persons from other Colonies who knew nothing of them, and whose interests were not only distinct, but in many points antagonistic to theirs.

11. At its first meeting after the promulgation of the constitution in 1853, the Provincial Council of Auckland transmitted petitions to the Queen and both Houses of Parliament, setting forth their grievances under such a constitution, and expressing their ability and readiness to provide liberally for a Government suitable to their circumstances in conformity with the rights of British freemen as established in all Colonies of British settlement before the establishment of penal colonies led to the abandonment of the old precedents of colonial government. Similar petitions were transmitted in 1855, 1858, 1862, and 1865. But in 1865 the petition from the Provincial Council was followed by one from the Auckland members of the General Legislature, and by one from the whole Colonists of Auckland. The population of that province amounting to about 37,000—the signatures to the petition amounted to 9,182, comprising probably nineteen-twentieths of the adult male population. In addition to those petitions another has just arrived from Auckland, being the first Act of a Provincial Council which had just been elected. The petitions of 1865 were to the Queen only, and not, as in the case of the previous petitions from the Provincial Council, to the Queen and both Houses of Parliament.

12. In transmitting the petition from the Provincial Council of February 1865, the Governor, Sir G. Grey, expressed himself as follows:—"I only received this petition yesterday, and therefore fear I shall not by this mail have time to make a full report upon the important question raised in it; by the next mail I will, however, transmit such a report; and in the meantime I will only say that I think, unless some such arrangement as is prayed for by the Provincial Council of Auckland is carried out, it will be impossible to bring to a satisfactory termination the difficulties prevailing in this country." A subsequent Despatch stated that the Governor's "Responsible Advisers" had requested him to defer making a report until his Ministry should have time to consider the question. And no report having appeared, it was asked for at the meeting of the General Assembly, and the answer of the Prime Minister was that "No such report was in existence."

13. On these circumstances being represented to the Secretary of State by the London Committee of Auckland Colonists, they were, in a letter from Mr. Under-Secretary Forster, informed as follows:—"That no report was received from the Governor on the subject of these petitions, and that, after waiting some months in anticipation of its arrival, Mr. Cardwell informed Sir G. Grey on the 26th of July last that Her Majesty's Government agreed with his Advisers in regarding the Colony as a whole and assumed, in the absence of any report from him to the contrary, that he concurred in this opinion. Sir G. Grey was at the same time authorized to assure his advisers that the Colonial Government would receive the support of the Imperial Government in maintaining the unity of the Colony, and was instructed that the petitions for separation were to be answered in that sense. Sir G. Grey has not made any report upon the subject since receiving these instructions."

14. The Colonists of Auckland have a right to consider that no members of the British Empire were ever before placed in circumstances so injurious to their interests or so inconsistent with their rights as British subjects as they have been; first, by the constitution which was framed for them without their knowledge through the influence of individuals whose interests were antagonistic to theirs; and, secondly, by the system called "Responsible Government," under which the Governor is authorized to transfer the power granted to him by the Queen's Commission to the representatives of a majority of the Assembly, thereby depriving the Colonists of the protection of the Queen's Government, and allowing them to be taxed by persons who are not their representatives. The Colonists of Auckland have found their condition under the leaders of the New Zealand Company's Colonists to be intolerable, even when Auckland continued to be the capital of New Zealand, as settled by Her Majesty's proclamation. But

it has proved much more so since a majority of members of the Southern Provinces, by the vote of small majority (the Governor remaining passive in the matter), succeeded in removing the public offices to Wellington, leaving Auckland at a time of civil war without any authority competent to deal with the frightful events to which such a state of things gave rise.

15. The Colonists of Auckland have a right to protest against the action of the Secretary of State in uniting with the men called the Governor's "Responsible Advisers" to maintain what he calls the unity of the Colony—no such unity having ever existed amongst the Colonies of New Zealand, or being possible under their circumstances; and the only result being to make the interests of the Colonists subservient to the ambition and cupidity of a few speculating politicians, with whom the Colonists of Auckland have no more connexion than they have with the politicians of the provinces of North America. They have, under the rule of these men for the last thirteen years, suffered every species of injury which every conceivable abuse of the functions of government is capable of producing; and they have unanimously declared that they will not any longer have these men to rule over them. The Colonists of Auckland, although deeply aggrieved by being subjected to a debt contracted to maintain the position of these men, in addition to their sufferings by the war, and feeling that the uniform protests of their local Legislature against a constitution which made such abuses of government possible should exempt them from such a burden, are nevertheless willing to bear such a proportion of that debt as might be settled by impartial commissioners, unless the equity of the British Government should relieve them from it, which they have every just reason to expect would be the result of a Parliamentary inquiry into their affairs.

Enclosure 2 in No. 19.

SIR,

Downing Street, April 26, 1866.

Encl. 2 in
No. 19.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the inst., covering papers received by the London Committee of the Northern Association of New Zealand from the Council of that Association, and proposing that a Committee of the House of Lords should be appointed to consider the petitions from the Province of Auckland to be erected into a separate Government.

Mr. Cardwell desires me to request that you will inform the Committee that their Memorial has been transmitted to the Governor for his consideration with the assistance of his advisers in the Colony, but that in the meantime Her Majesty's Government are not prepared to express an opinion favourable to any proceedings which might appear to indicate an intention of making organic changes in the constitution of New Zealand, not sanctioned by any expression of opinion on the part of the Government or of the Legislature of that Colony.

I am, &c.

The Secretary to the London Committee
of the Northern Association of New Zealand.,,

(Signed) FREDERIC ROGERS.

No. 20.

No. 20.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 48.)

SIR,

Downing Street, April 26, 1866.

By my Despatch of the 26th February last, No. 27,* you were informed that copies of your Despatches, numbered† 155, 156, 157, 158, 161, and 162, in reference to the matters in dispute between yourself and Sir Duncan Cameron, had been communicated to the Secretary of State for War.

The Marquis of Hartington informs me that he concurs entirely in the opinion expressed by his predecessor, Earl De Grey, that it was desirable to put an end to this painful controversy; and that he does not propose to refer to Sir D. Cameron, or to make any comments of his own on your Despatches above referred to.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 21.

No. 21.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 49.)

SIR,

Downing Street, April 26, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 24,* of the 13th February, conveying to me the detailed account of those successes of General Chute of which you had informed me previously by telegraph.

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ZEALAND.

I learn with the greatest satisfaction that you consider the result of these operations to have been the absolute defeat of the Rebels at every point, and the restoration of security to the West Coast; and request you will express to Major-General Chute the sense which Her Majesty's Government entertain of the gallantry and value of the service rendered by the officers and men of the forces, Imperial and Colonial, engaged in those operations. I rejoice to learn that by the vigour thus displayed the well disposed Natives are greatly strengthened in their confidence in our power, whilst the strength and influence of the disaffected have been completely broken.

You will, I am sure, have felt that such decisive success has properly invited you to consider whether the time had not arrived when the measures involved in military operations which have a future penal consequence, such as the destruction of buildings and of cultivation, may not have been discontinued with safety to your present operations, and with great advantage to the future tranquillity and prosperity of the Island.

I trust I shall soon learn that the salutary chastisement of the most obnoxious portion of the hostile Natives has been followed by measures of mercy calculated to wean them from their hostile disposition, and to conciliate their feelings towards the Government, and to make them contented subjects of the British Crown.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 22.

No. 22.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
SIR GEORGE GREY, K.C.B.

(No. 52.)

SIR,

Downing Street, April 26, 1866.

April 25, 1866.

* Page 114.

WITH reference to my Despatch No. 32,* of the 26th ultimo, I have the honour to transmit to you for your own information, and for that of your Responsible Advisers, the accompanying copy of a letter from the Board of Treasury, enclosing copy of the instructions addressed by their Lordships to Commissary General Jones, respecting the mode of computing interest on the advances made or cost of supplies furnished for the service of the Local Government.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL
&c. &c. &c.

Encl. in No. 22.

Enclosure in No. 22.

SIR,

Treasury Chambers, April 25, 1866.

WITH reference to previous correspondence relative to the state of accounts between the Colonial Government of New Zealand and Her Majesty's Government, in respect of the advances in cash from the Treasury chest and from army grants, I am desired by the Lords Commissioners of Her Majesty's Treasury to transmit, for the information of Mr. Cardwell, the enclosed copy of a letter upon the subject, which my Lords have caused to be addressed to Commissary-General Jones, who has been instructed to prepare, in communication with a person to be deputed by the Colonial Government, a complete statement of the debt of the Colony to Her Majesty's Government.

I am, &c.

Sir F. Rogers, Bart.

(Signed) HUGH C. E. CHILDERS.

SIR,

Treasury Chambers, April 25, 1866.

WITH reference to the letter from this Board of the 24th ult., instructing you to prepare in communication with a person to be deputed by the Colonial Government a complete statement of the debt of the Colony of New Zealand to Her Majesty's Government in respect of the advances in cash from the Treasury chest and from army grants and of the value of stores and other supplies for the service of the Colony, I am desired by the Lords Commissioners of Her Majesty's Treasury to acquaint you that, as regards the item of interest, the charge is to be computed at the rate of 4 per cent. per annum from the commencement of the quarter succeeding that in which the advances and supplies may have been made, and I am to add that credit is to be given to the Colony for the interest accrued from the 1st November 1865, upon the sum of 500,000*l.* being the amount of the Bonds deposited by the agents of the Colony with the Bank of England on account of the debt of the Colonial Government.

I am, &c.

Commissary-General Jones,
New Zealand.

(Signed) HUGH C. E. CHILDERS.

No. 23.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

NEW
ZEALAND.
No. 23.

(No. 53.)

SIR, Downing Street, April 26, 1866.

I HAVE to acknowledge the receipt of your Despatch of the 2nd February, No. 20,* * Page 78.
forwarding copies of two letters addressed by Sir William Martin to the Colonial Minister
for Native Affairs, on matters connected with the Government, and the interests of the
Natives in New Zealand.

I have read Sir William Martin's letters and the accompanying notes with great interest,
and I cannot doubt that the knowledge and forethought exhibited in these documents
will secure for them that consideration which they eminently deserve.

Her Majesty's Government, however, are not of opinion that the Home Government
could profitably assume that responsibility or require that delay to occur, which would
be involved in Sir William Martin's proposal, that Acts affecting the Natives should be
reserved for the signification of Her Majesty's pleasure.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL.
&c. &c. &c.

No. 24.

No. 24.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor
Sir GEORGE GREY, K.C.B.

(No. 54.)

SIR, Downing Street, April 26, 1866.

IN your Despatch No. 8 of 9th January, I received the Acts respecting Native
affairs, of which the titles are set forth in a schedule to this Despatch.

In reviewing these enactments, I shall have occasion on the one hand to recognize
with pleasure the desire which has been evinced by the Government and Legislature of
New Zealand to bring the Maories under the protection of British law, and to place them
more and more upon the footing of Her Majesty's subjects of the European race, while,
on the other hand, I shall be obliged to state why some of these measures cannot receive
the entire approval of Her Majesty's Government.

The Acts Nos. 11, 12, 25, and 71 form a very important body of Legislation on Native
affairs, and appear to have been devised with a sincere desire for the improvement of the
Maories, and their amalgamation with the European population under British law. I
feel, indeed, some apprehension lest by expressly extending the authority of the Supreme
Court to all cases respecting the persons and property of the Maories (No. 11, § 3), the
Government of New Zealand may be found to have assumed a wider responsibility than
they may be able to discharge effectually; and many of the other provisions of these
laws will doubtless require great care and prudence in their application. But on the
whole, these measures are evidently intended to promote the most desirable of all public
objects in New Zealand, the union of the two races under an equal Government, and I
am ready to believe that your own practical experience, and that of your Government
and Legislature, must have enabled you to form a better judgment than Her Majesty's
Government could arrive at in this country, as to the mode in which that object may be
accomplished. I observe with pleasure the constitution of a Commission of Inquiry as
to the most expedient mode of defining a Native franchise, and admitting the Maories to
the practical exercise and enjoyment of equal political rights with others of Her Majesty's
subjects, which will consist mainly of Natives, and I anticipate much advantage from
the arrangements made by the Act No. 71, for the ascertainment of Native titles, and
the opening of Native lands to direct purchase and leasing.

Her Majesty will not be advised to exercise Her power of disallowance with regard to
any of the foregoing Acts.

I now proceed to consider the Acts No. 23, "For maintaining the Queen's peace
" within certain districts of the Colony, and for charging the costs thereof on such dis-
" tricts," and No. 66, "An Act to alter, amend, and continue the New Zealand Settle-
" ments Act, 1863."

I will first address myself to the second of these Acts, No. 66.

The New Zealand Settlements Act of 1863, enabled the Colonial Government, then
or at any time thereafter, to confiscate any amount of land, whether belonging to loyal or

Schedule of
Acts, Nos. 11,
12, 23, 25, 66,
and 71, printed
in the Appen-
dix.

disloyal persons, if only it were situated in a district in which any considerable number of Natives had, in the opinion of the Governor, been in rebellion. It provided a machinery for compensating innocent persons who were thus dispossessed, but it absolutely disqualified the Court from awarding compensation to any person who should have been guilty of any one of a certain number of offences, among which was that of "comforting" a rebel, or refusing to surrender arms when required to do so by proclamation.

The most innocent persons therefore, who had been or were likely to be in the neighbourhood of any disturbance, were placed in a state of indefinite disquiet as to their lands, and those who had been or might be guilty to the most venial extent of participation in any insurrection, were rendered incapable, if their lands were among those taken for settlement, of receiving any consideration whatever from the Court.

The objections of Her Majesty's Government to this Act, and their apprehensions respecting the scheme of settlement which it was intended to found upon it, were expressed in my Despatch No. 43 of the 26th April 1864.

They considered that the duration of the Act should be limited to a definite period, and suggested the period of two years from its enactment. They desired that the aggregate amount of forfeiture should be at once made known, and the exact position as soon as possible; that an independent Commission, not removable with the Ministry of the day, should be appointed to inquire what lands should be forfeited; that you yourself should be personally party to any confiscation, satisfying yourself that it was just and moderate; and that the land of innocent persons should not be appropriated without their consent merely because it was in the same district as rebel property, and because it was required for European settlement, but only in case they had a joint interest with some guilty person, or in case of some public necessity, as of defence or communication. Her Majesty's Government desired further that the proposed Courts should have the power of compensating not only persons absolutely innocent, but those whose guilt was not of such a character as to justify the penalty imposed on them.

The same Despatch also expressed the apprehensions entertained by Her Majesty's Government that the policy of extensive or indiscriminate confiscation, and still more of protracting the period during which that confiscation was held in suspense over the heads of the natives, might have very disastrous results in intensifying disaffection, in prolonging the war, in destroying those germs of civilization which existed among the more advanced of the Waikato Tribes; and if the insurgents were systematically or generally excluded from their cultivated lands and driven to less valuable and less accessible situations, in converting that part of the native population into desperate and intractable banditti.

It was also suggested that if the proposed settlements were too far advanced beyond the country already occupied it might prove impossible to abandon them without discredit, or to protect them without a disproportionate expense.

With such observations as these, and subject to the requirements which I have described, the Act was allowed to remain in operation (though still subject to disallowance) because Her Majesty's Government greatly relied on your own desire to guard the Natives from any unnecessary severity, and on the conviction expressed by your ministers that as this would be the first so it would be the last occasion on which any Aboriginal inhabitant of New Zealand would be deprived of land against his will.

Shortly after you received the instructions conveyed in that Despatch you changed your Responsible Advisers, and convened the Legislature of New Zealand, and the whole subject of native policy and of your relations to Her Majesty's Government in respect of that policy was considered in the two Houses of your Legislature. The result was the adoption of resolutions by which the Colony acknowledged the claim of the Imperial Government to exercise a reasonable control over policy upon which the restoration of peace must necessarily depend, so long as the Colony should be receiving the aid of British troops for the suppression of internal disturbances, but at the same time determined to make every possible effort to place itself in a position of self defence against internal aggression, with a view to accepting the alternative of the earliest possible withdrawal of the Imperial troops, thereby enabling Her Majesty's Government to issue such instructions as might permit the Governor to be guided by the recommendations of his Constitutional Advisers in native as in ordinary affairs. This policy was accepted by Her Majesty's Government with entire satisfaction.

At this juncture the war in the Waikato district had been successfully brought to a close, and you were about to commence the operations in which you have been since engaged in the district of Taranaki. By the measures adopted by your Government in consequence of your success in the Waikato district, the Lower Waikato tribes, those among whom civilization was most advanced and who have probably been on the whole

the least guilty of the rebels, and most capable of being converted into thriving subjects of Her Majesty, have been driven from their lands and are subsisting in different places more or less difficult of access. Their lands have been brought under the operation of the Act by proclamation, and some of them in the very heart of the Waikato country I understand to have been sold and occupied. The confiscations you have made have not been preceded by any independent commission of enquiry, though I am glad to observe that in the Waikato and other districts certain Commissioners are to be empowered to restore considerable portions of the confiscated lands to those Natives who wish to settle upon them. As a consequence of your more recent successes in the district of Taranaki, extensive confiscations are announced on the west coast of the Island, where doubtless the conduct of the Natives has merited a more signal chastisement than perhaps in any other portion of the northern Island; and large tracts of land have been ceded, though I do not understand to what extent they have been actually occupied on the eastern coast.

While the Act of 1863 has thus been carried into execution by the Government, it has been in some respects modified by the Legislature. Its duration has been (as I am now advised) effectually limited to two years by an Act passed in the year 1864. By the Act now before me it is made perpetual, but with a proviso that no confiscations shall be made after the 3rd December 1867, four years from the date at which the original Act came into operation, and rather more than a year and a half from the date at which I am writing.

Finally, in cases where compensation is awarded, the mode of giving it is one which places the Maori receiving it in a position of dependence upon the discretion of those who compose the Government. The Colonial Secretary may at any time before judgment elect that compensation is to be awarded not in money but in land; if awarded in money it is to be paid in Treasury bills; if awarded in land the amount is to be fixed by the Court. Whether given in land or in money the Governor is entitled to direct that such land or money shall be invested for the benefit of the parties entitled, in such manner and subject to such conditions as he shall think fit.

This statement exhibits the position, as I understand it, in which the insurgents or those Natives who own land in the neighbourhood of insurgents will find themselves till the 3rd of December 1867, after which day (unless the law is further continued) forfeitures of land can no longer be declared.

The Act, No. 23, for maintaining peace in native districts, is a perpetual Act, and applies to friendly as well as to hostile districts. It provides that if any of the crimes specified in this Act is committed in any native district, and if in that or any other such district in which the offender is harboured, the chiefs or inhabitants refuse or neglect to aid in his arrest, the Governor may, after certain formalities, confiscate and sell in any such district as much land as he thinks necessary for certain specific purposes, which include the maintenance of magistrates and police, and the establishment and maintenance of hospitals. It would seem to follow that in any native districts in which the police arrangements are insufficient for the preservation of order, occasions may be expected continually to arise on which Government will proceed to confiscate land and sell it for settlement. It may be feared that a Government acting under such powers, with whatever forbearance and discretion, will be liable to be much misunderstood by the persons against whom those powers are capable of being called into action; and I cannot but be apprehensive that such a state of things will be calculated to awaken or keep alive a feeling of distrust in the Natives.

After what I have said it is almost unnecessary to point out that the state of things which is established by these two laws, and the proceedings which have already taken place under one of them, are departures from the policy which Her Majesty's Government would have desired to have adopted had they remained as directly responsible as heretofore for the preservation of peace, and the maintenance of internal security in New Zealand. But in accepting the proposal of the New Zealand Government and House of Representatives that the Imperial troops should be withdrawn, Her Majesty's Government are in process of transferring that responsibility; and the repeated minutes of your ministers have pressed upon me the importance of giving effect to this policy without delay. Under these circumstances Her Majesty's Government have not thought it right at present to advise that these Acts should be disallowed, and trust that no circumstances will arise in the course of their execution, which will render it necessary for them hereafter to tender such advice. I entertain the earnest hope that in carrying into effect the measures to which I have last referred, you and your Advisers will remember the great responsibility which attaches to the exercise of such extensive powers, and will use them with a forbearance calculated to remove the apprehensions they might other-

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wise excite in the minds of the Natives, and with a prudence which will prevent their giving rise to future breaches of the peace of the Colony.

You will clearly understand that if Her Majesty's Government have not advised the disallowance of these enactments in their present shape, it is because they have deliberately accepted the policy of the New Zealand Government and Legislature, and have determined, in compliance with that policy, to withdraw from the Colony the Imperial Troops, and to leave the Governor to be guided by the recommendations of his Constitutional Advisers in native as well as in ordinary affairs, whenever the case does not involve Imperial interests, the honour of the Crown, adherence to treaties entered into by Her Majesty's Government, or other matters of an analogous kind. In conclusion I will only repeat that I have seen with sincere satisfaction the present restoration of tranquillity, and the adoption by your Government and Legislature of measures designed to bring the native race within the pale and under the protection of British law; and that I trust that those measures which Her Majesty's Government would not have thought it expedient to enact, may be tempered in their practical execution by the forbearing and prudent spirit of your Government, and that the result of all these measures as a whole may be the closer union of the two races, and the general welfare of the Colony.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 25.

No. 25.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to Governor Sir GEORGE GREY, K.C.B.

(No. 57.)

Sir,

Downing Street, May 21, 1866.

* Page 120.

WITH reference to my Despatch No. 47,* of the 26th of April, I transmit to you a copy of a further letter from the London Committee of the Northern Association of Auckland, together with the answer which I have caused to be returned to it.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Encl. 1 in
No. 25.

Enclosure 1 in No. 25.

Sir,

London, 23, Great St. Helen's, E.C., May 3, 1866.

THE London Committee of the Northern Association of New Zealand have read with much disappointment and concern the letter which, by your directions, Sir Frederic Rogers has addressed to them in reply to their letter of the 13th of April last, in reference to the petitions from the province of Auckland, praying for a separate government for that province as essential to the peace and welfare of its inhabitants, and renewing the prayer of this Committee that Her Majesty's Government would favour the appointment of a Parliamentary Committee to investigate the grievances of which the Colonists of Auckland have for so many years complained in their petitions to the Queen and Parliament; and they have observed with equal concern the reply which you are reported to have made in the House of Commons to a question put by Mr. Adderley in relation to the same subject.

Sir Frederic Rogers is desired to inform this Committee that their memorial has been transmitted to the Governor for his consideration, with the assistance of his Advisers in the Colony; but that in the meantime Her Majesty's Government are not prepared to express an opinion favourable to any proceedings which might appear to indicate an intention of making organic changes in the constitution of New Zealand, not sanctioned by any expression of opinion on the part of the Government or of the Legislature of that Colony.

With all the respect which is due to your high office as Her Majesty's Minister for Colonial Affairs, this Committee on their own behalf, and in the name and on the behalf of their fellow Colonists of the province of Auckland, most emphatically protest against such a mode of dealing with their petitions.

One of the petitions which this Committee was requested to support was signed by no less than 9,182 persons, comprising nearly every male adult of the British population, which numbers less than 40,000 persons; another petition is from the Auckland Provincial Council, the local legislature of that province; and a third is from the Auckland members of the General Assembly of the Colony.

This Committee respectfully insist upon the indefeasible right of all these petitioners to have their petitions considered by Her Majesty's Supreme Government on their own merits, and not upon the representations of persons who are avowedly "Responsible Ministers," not of the Crown, but of a majority of a House of Assembly, who are not representatives of the petitioners or of their province. but of the Colonists of other provinces, who have interests separate from, not to say antagonistic to theirs.

This Committee entirely repudiate the claim of such persons to interfere with the petitions of Her Majesty's subjects of the province of Auckland in any shape, much less to dictate whether they shall be governed according to the constitutional rights and free customs of British Colonists, or in such form as may serve the ambitious aspirations of men from whose misgovernment the petitioners have already been made to suffer the most grievous injuries. To these men the Colonists of Auckland owe no allegiance, and they are determined to a man no longer to submit to the dominion which they have been allowed to assume.

This Committee, less in justification of their protest or in explanation of the grounds upon which they have adopted it, than in the hope that you may be induced to reconsider their prayer to have the grievances of the Auckland Colonists investigated by a Committee of Parliament, are desirous of respectfully submitting the following considerations:—

1. That by having become British Colonists Her Majesty's subjects of the province of Auckland have not forfeited any of the constitutional rights and privileges which are their birthright as members of the British empire.

2. That the colonists of Auckland have never been surpassed by any other portion of British subjects in loyalty to the Crown. They have not only been willing to provide but have always in their petitions expressed themselves desirous of providing a revenue to maintain the Queen's Government in that province if administered according to the ancient and approved precedents of colonial administration in settlements of British freemen, satisfied that such a Government is alone consistent with the maintenance of their allegiance to the Crown, together with all such rights of self-government as are compatible with a due and necessary subordination to the Supreme Government of the empire; and also that such a Government, if faithfully administered, is but calculated to maintain peace between them and their Maori fellow subjects, and to promote the well-being of both races.

3. That, on the other hand, this Committee consider that the causes of complaint which have called forth from the province of Auckland so many petitions for redress during the last 13 years were of a character far more grave than those which drove the early American provinces to rebellion. The latter rebelled against being taxed by a power to which they owed allegiance, and from which they received protection. The former have been subjected to taxation by persons not their representatives, to whom they owed no allegiance, and who were incapable of affording them protection.

These and other grievances were the result partly of the anomalous constitution of Government which was provided for the provinces of New Zealand by the Act of 15 & 16 Vict. c. (sic), and partly by the abdication by the Queen's Governors of the functions of government under the system which is called "Responsible Government."

In illustration of these propositions this Committee submit, first, with respect to the Constitution Act:—

1. That it was by an abuse of language that the provinces of New Zealand have come to be designated as one Colony, seeing that no Colony of ancient or modern times was ever more distinct in all essential particulars from all other Colonies than is each of the six Colonies planted in the New Zealand Islands from all the rest.

2. That the Colony of Auckland, with which this Committee are alone concerned, was settled under the sanction of Her Majesty's Government, which could have no other object than the welfare of the Colonists, while all the Colonies to the south of the province of Auckland were settled by a company of speculators, whose object it was to make the welfare of the Colonists subservient to their own personal ambition and aggrandizement.

3. That such a constitution of Government as was provided for the New Zealand settlements, confederating six separate and distinct provinces, each with its own local Legislature under what is called a general Government and a general Legislature, with powers to override the legislation and government of the provincial authorities, is absolutely without precedent in the history of ancient or modern dependencies. Such a Government is in fact an *imperium in imperio*, having no legitimate functions, and being scarcely capable of action unless by usurping the functions of sovereignty on the one hand, or, on the other hand, by encroaching upon the right of the provincial authorities to deal with questions affecting the separate interests of their constituents.

4. It is also worthy of consideration that the New Zealand Constitution Act was avowedly (see Hansard's Debates), a hurried and imperfect measure, passed when "the Parliament was in a state of dissolution," and more or less unsatisfactory to every statesman who took part in the discussion. The following words may be cited from the speech of the Right Honourable W. E. Gladstone:—"Concurrent jurisdictions, I must confess, are to me subjects of apprehension and alarm. A concurrent jurisdiction in the business of legislation means uncertainty, conflict, and confusion. The overriding of arrangements already made under authority deemed competent, by extraneous power, must ever lead to annoyance and angry feeling." But these and other obvious objections were overruled, on the ground, artfully represented by the leaders of the New Zealand Company's settlements, that those provisions of the Constitution Act which were deemed objectionable were in accordance with the wishes of the Colonists, whereas the Colonists of Auckland, who were equal in number to one-third of the whole British population of the six settlements, were never consulted in the matter, and their Provincial Council has consistently protested and petitioned against it from their first meeting to the present day.

5. That the subsequent conduct and language of the leaders of the New Zealand Company's settlements have made it plain that their object in obtaining such a constitution was to create the most extensive possible machinery of government, in order to provide sufficient scope for their statesmanship as the founders and rulers of an infant nation, if not to make a profitable speculation of the offices and transactions of government, of which aspirations and speculations, the miseries of war, of which the Colonists of Auckland have been the victims, and the load of taxation and debt which threatens to overwhelm them are the fruits.

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Secondly. With regard to the abuses of administration under which the Colonists of Auckland have suffered, resulting from the system called "Responsible Government."

This Committee will refer to no other example than what has occurred in relation to the petitions which form the subject of this communication. The Governor in a public Despatch addressed to your predecessor, and dated Auckland, January 5, 1865, stated his opinion "That unless some such arrangement as is prayed for by the Provincial Council of Auckland is carried out it will be impossible to bring to a satisfactory termination the difficulties prevailing in this country." But his "Responsible Advisers" having intervened with a Minute couched in the following words, "Ministers are of opinion that the division of New Zealand into two or three separate Colonies would dwarf the political intellect of the Colony, confining it to the consideration of narrow and personal interests." Sir George Grey chose to withhold or to suppress the full report which he had promised to forward by the next mail "upon the important question raised in the petition" (of the Provincial Council). Such a report might, in all probability, have relieved the Colonists of Auckland from the burden of any longer affording the means of expanding the political intellect of the politicians of the New Zealand Company's settlements, and from being made subservient to their ambition at the expense of their own peace and prosperity.

If, in withholding information upon a subject which involved the possibility of bringing to a satisfactory termination the difficulties prevailing in New Zealand, Sir George Grey may be considered to have betrayed the trust committed to him by the Queen's Commission, he only in this, as in other matters, fulfilled the requirements of what is called "Responsible Government," under which the Queen's Governor is made to disregard the obligations imposed upon him by his commission and instructions under the Queen's sign manual and signet, in order to become the tool of subordinate functionaries, whom it is his duty to make "aiding and obedient" to himself in the administration of the Queen's Government.

Finally. In appealing to their rightful Sovereign against a constitution and administration of Government which virtually makes them the subjects of a dominion incompatible with the dominion of Her Majesty, this Committee consider that the Colonists of Auckland have sought to vindicate the sovereign rights of their Queen as well as to procure the restoration of the constitutional rights and privileges of which they themselves have been deprived; but to them it is more than a question of constitutional rights. It is a question of life and death, for as matters now stand they may at any time be involved in a fresh war with their Maori fellow subjects through the conduct of colonial politicians, who are themselves removed by hundreds of miles from the consequences of such a misfortune.

All which is very respectfully submitted by your most obedient humble servants, the London Committee of the Northern Association of New Zealand.

(Signed) JAMES BUSBY.
JOHN C. BLACKETT.
W. K. GRAHAM.
WM. S. GRAHAME.

The Right Hon. Edward Cardwell, M.P.,
Her Majesty's Principal Secretary of State
for the Colonial Department.

P.S.—In obedience to your request for another copy of the pamphlet intitled "Précis of the Case of the Colonists of Auckland," three copies of that pamphlet are herewith enclosed.

WM. S. GRAHAME.

Encl. 2 in
No. 25.

Enclosure 2 in No. 25.

SIR,

Downing Street, May 15, 1866.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of the letter signed by yourself and other members of the London Committee of the Northern Association of Auckland, and dated the 3rd instant, with reference to the creation of the province of Auckland into a separate government.

It is with regret that Mr. Cardwell has read the language which you have used respecting the Government and Legislature of New Zealand, whose authority you appear to repudiate, and he cannot but express his surprise that you should write as though you had forgotten that this Government and Legislature exist under the provisions of Acts of the Imperial Parliament.

I am to add that Mr. Cardwell has seen no reason to change the opinion which has already been conveyed to you by his desire.

James Busby, Esq.

I am, &c.
(Signed) W. E. FORSTER.

No. 26.

No. 26.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to
Governor Sir GEORGE GREY, K.C.B.

(No. 58.)

SIR,

Downing Street, May 24, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch No. 25,* of the 21st February last, forwarding a copy of a letter which you have received from the

* Page 108.

Chiefs of Rotorua and Taupo, begging you to pay their country a visit, and stating that in compliance with the wishes of your Responsible Advisers, and in accordance with your own views, you had determined to avail yourself of the opening thus presented.

I trust that this visit will be productive of favourable results.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 27.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to
Governor Sir GEORGE GREY, K.C.B.

(No. 60.)

SIR,

Downing Street, May 25, 1866.

I HAVE to acquaint you that I am informed by the Lords Commissioners of the Treasury that further advances, amounting to 1,632*l.* 10*s.*, have been made from the Commissariat chest in New Zealand for the pay of the Colonial forces at Wanganui for the month of January last.

I need not instruct you further as regards such advances, as they will of course have ceased.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 28.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to
Governor Sir GEORGE GREY, K.C.B.

(No. 63.)

SIR,

Downing Street, June 6, 1866.

WITH reference to my Despatch No. 57,* of the 21st of May, and to a previous communication on the subject, I have the honour to transmit to you a copy of a further letter from the London Committee of the Northern Association of New Zealand, together with a copy of the reply.

I have, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Enclosure 1 in No. 28.

SIR,

23, Great St. Helen's, E.C., May 29, 1866.

THE London Committee of the Northern Association of New Zealand have the honour to acknowledge the receipt (on the 24th instant) of Mr. Forster's letter of the 15th instant, in which they are informed by your direction that 'it is with regret you have read the language this Committee has used respecting the Government and Legislature of New Zealand, whose authority we appear to repudiate;' and that you 'cannot but express your surprise that we should write as though we had forgotten that this Government and Legislature exist under the provisions of Acts of the Imperial Parliament;' and further, 'that you can see no reason to change the opinions which have already been conveyed to us by your desire.'

While expressing their extreme regret that you should have arrived at such conclusions, this Committee think it necessary, in justification of what they have written, to submit that they had no intention to repudiate the lawful authority of the Government and Legislature of New Zealand, and that they were not unmindful that that Government and Legislature exist under the provisions of Acts of the Imperial Parliament. But they hope to be excused for doubting whether the action of that Government, of which they complain, can be justified by any provision contained in any Act of the Imperial Parliament relating to New Zealand or in any other Imperial statute.

They have been unable to find any provision authorizing Sir George Grey to delegate his functions as Governor to any junto of the Queen's subjects who may have influence enough to sway the votes of a majority of the House of Representatives. They consider that such a delegation (even subject to the limitation that it shall not include what are loosely called "Imperial interests") whether under the pretext of making the subordinate functionaries of the local Government responsible to a majority of the House of Representatives or under any other pretext, is a violation of the trust committed to the Governor by the Queen's commission and instructions under Her Royal sign manual and signet, and equally incompatible with his duty to the Crown, and to such of Her Majesty's subjects as live under his Government and are entitled to the Queen's protection.

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They accordingly considered that in protesting against being subject to such an abuse of government they were manifesting their loyalty to the Crown and their regard for the law.

This Committee believe that every Act of Parliament is intended for the benefit and protection of such of Her Majesty's subjects as are affected by it; and they also believe in the disposition of the Legislature to amend any statute which may have failed in its object, and may have become a source of injury and oppression to any class of the Queen's subjects, instead of a provision for their benefit and protection. In this belief the Colonists of Auckland have during the last 13 years continued to petition the Imperial Legislature for such an alteration in the constitution as would accomplish in their behalf the true objects of Government; and this Committee, considering that their petitions have been overlooked for so long a period, think they may be excused if they have urged, even with vehemence, an inquiry into the causes of the disorganization and rebellion under which the petitioners have suffered.

All which is most respectfully submitted by your most obedient humble servants, the London Committee of the Northern Association of New Zealand.

(Signed)

JAMES BUSBY.
JOHN C. BLACKETT.
W. K. GRAHAM.
WM. S. GRAHAME.

The Right Hon. Edward Cardwell, M.P.,
Her Majesty's Principal Secretary
of State for the Colonies.

Enclosure 2 in No. 28.

Sir,

Downing Street, June 9, 1866.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of the letter signed by yourself and other members of the London Committee of the Northern Association of New Zealand, and dated the 29th of May, in reference to the erection of the province of Auckland into a separate government.

James Busby, Esq.

I am, &c.,
(Signed) W. E. FORSTER.

No. 29.

No. 29.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to
Governor Sir GEORGE GREY, K.C.B.

(No. 65.)

Sir,

Downing Street, June 20, 1866.

I HAVE received with much satisfaction your Despatch, No. 31,* of the 23rd of March, informing me of the results of the visits which you had made to several places in the Northern Island.

I trust that your proposed meeting with the tribes of Rotorua and the interior will have an equally beneficial result.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 30.

No. 30.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to
Governor Sir GEORGE GREY, K.C.B.

(No. 66.)

Sir,

Downing Street, June 25, 1866.

I TRANSMIT to you for your information and guidance a copy of a correspondence with the War Office with reference to a request you had made to Major-General Chute for the removal of the military head-quarters from Auckland to Wellington.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD CARDWELL.

Enclosure 1 in No. 30.

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SIR,

War Office, June 21, 1866.

I AM directed by the Secretary of State for War to transmit to you the accompanying copy of a Despatch from Major-General Chute, dated the 7th April last, with the correspondence to which it refers, and I am to request that, in laying the same before Mr. Secretary Cardwell, you will state that it appears to the Marquis of Hartington that the reasons given in Commissary-General Jones and General Chute's letters of the 6th and 7th December last (especially in view of the large reductions of the force taking place) are conclusive against the proposed removal of the military head-quarters from Auckland to Wellington.

Encl. 1 in.
No. 30.

Sir Frederic Rogers, Bart,
&c. &c.

I have, &c.
(Signed) EDWARD LUGARD.

MY LORD,

Head-quarters, Auckland, April 7, 1866.

I HAVE the honour to forward for your Lordship's information the copy of a correspondence I have had with his Excellency the Governor on the subject of the removal of my head-quarters from hence to Wellington, which I had delayed submitting in expectation of a reply to my letter of the 11th December last; as, however, I have not heard further from his Excellency on the subject, I have not considered it necessary to take any steps for the removal of the head-quarter staff to Wellington, a measure which would not only incur considerable expense, but in my opinion be attended with very great inconvenience in conducting the duties of the command; and I shall be glad to be favoured with any instructions your Lordship may desire to give me on the subject.

The Right Hon. the Secretary
of State for War.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Government House, Wellington, November 22, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 7th instant, in which you inform me that you purpose proceeding to Wanganui, and in reference to that letter and to the conversations I have held with you upon the same subject, I beg to state that I have recently been left at Wellington, the present seat of Government of the Colony, without the presence either of the officer commanding the forces in New Zealand, or any staff officer whatever, or indeed of any officer of rank, and that whilst the most important events were passing in the country, and a large force was here, there was no officer to whom I could apply for any return, or for any information whatever, and that Auckland, a place distant from 12 to 14 days from this point, which is now the centre of operations, was the only place from which I could obtain information of which on several occasions I was in immediate want. I need hardly say that under such circumstances the force maintained here at a great expense to the mother country and to the Colony is, for the purpose of meeting any emergency, practically useless.

I therefore earnestly request that you will with the least possible delay make this place your head-quarters, and that even if absent yourself in the field, as may probably frequently be the case, that you will give me the advantage of the presence here of such heads of departments and staff officers as are usually left at the seat of government when the general is in the field.

The Hon. Major-General Chute,
&c. &c. &c.
Head Quarters.

I have, &c.
(Signed) G. GREY.

SIR,

Head-quarters, Wanganui, December 11, 1865.

I HAVE the honour to acknowledge the receipt this day of your Excellency's letter of the 4th instant, requesting a reply to that of the 22nd ultimo, relative to the removal of the military head-quarters to Wellington.

My letter of the 7th instant will show your Excellency the difficulty in which I am placed in dealing with this subject, but I would again assure you that I am most anxious to act in accordance with your Excellency's wishes in this as in every other matter on which you may be pleased to instruct me.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Head-quarters, Auckland, December 7, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 22nd ultimo, in which you request that I will as soon as possible move the military head-quarters to Wellington, and in which you also inform me of the inconvenience you have at times experienced from the absence from the seat of government of the general officer in command, as well as of any staff or other officer to furnish you with returns and information of which you were in immediate want.

I deeply regret that your Excellency should have been thus inconvenienced, and, had I known it, would have done everything in my power to prevent it.

Your desire that the military head-quarters should be transferred to Wellington has occupied my most serious consideration. I need hardly remind your Excellency of the difficulties to be expected in carrying out the military administration of a force at a distance from all the military establishments charged with its executive duties, and my great desire has been to endeavour to meet your Excellency's

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views consistently with a due regard for the discipline and interior economy of the force under my command, for which I am personally responsible.

To transfer all the military establishments to Wellington would be attended with an enormous expense, while the transfer of the army head-quarters without them involves consequences seriously injurious to the equipment and general interior economy of the troops with reference to existing regulations on these subjects.

In a subject so nearly affecting the duties of the two important departments, viz., the commissariat and military store, I have considered it my duty to ascertain from the heads of those departments their views in reference to the future discharge of their respective duties, in the event of the removal of the head-quarters to Wellington.

Your Excellency will observe, by the enclosed letters from the Commissary-General and Deputy-Superintendent, that these officers submit in detail objections which I had already generally anticipated in reference to this subject.

Placed thus as I am in a difficulty between a desire to conform in every way that I possibly can with your Excellency's expressed wishes, and the necessity of securing the regular discharge of all the military duties of the command, I trust you will agree with me on the necessity of submitting to the home authorities this question, which involves serious considerations not only of expense; but also affecting the discipline, supply, and equipment of Her Majesty's forces in New Zealand.

I would here observe that as this question has arisen from the action of the local Legislature in removing the seat of government to Wellington, it would, I feel, be of much consequence that when submitting it to the military authorities in England I was in a position to state whether the Colony would bear the whole or any proportionate part of the expense attending the removal of the head-quarters, whatever expense that removal necessitated.

In the meantime, in order to avoid as much as possible any inconvenience such as that complained of by your Excellency, I propose, on receiving your approval, to station at Wellington, as long as your Excellency considers it necessary, a staff officer of rank, for the sole purpose of aiding your Excellency in every way practicable with information, and I would likewise, whenever I myself found it necessary, visit Wellington to confer with your Excellency (as I have already twice done during the short interval that has elapsed since my arrival in the country), and would besides repair to that place whenever your Excellency intimated that you desired me to do so.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Commissariat, Auckland, December 6, 1865.

REFERRING to my interview with the Major-General commanding this morning, I have the honour to submit for his consideration the following remarks relative to the proposal to remove the head-quarters of the army to Wellington.

It would be quite impossible to carry out the service efficiently were the General and his personal staff at Wellington and the controller of army expenditure in Auckland; I therefore take it for granted that I would also have to remove to Wellington.

To enable me to conduct my duties at Wellington, I should require to move my personal office, the offices of the military accountant, the store accountant, and the treasury accountant, comprising in all at least four offices and about 22 clerks.

If the barracks are not to be occupied by troops, office accommodation could, I presume, be provided in them; but failing this, resort must be had either to hiring, purchasing, or building.

Judging from what I saw when in Wellington two months since, I believe accommodation could not be procured by hiring, and purchasing or building would be attended with very serious expense, and the latter with considerable delay.

When my establishment as above is removed from Auckland, there would be only one deputy-assistant commissary-general remaining in the garrison, and as this must for some considerable period continue to be the grand source of supply for Her Majesty's troops throughout the Colony, it would be absolutely requisite for me to detail an officer of standing and intelligence for the charge of the whole province, and a second deputy-assistant commissary-general for the cash duties of the place, involving at least an increase of two officers for the establishment in the Colony.

It may be said that the purchases for the army could be effected at Wellington as well as at Auckland, but I am not of this opinion.

Firstly, we have no store buildings suited for the use of the department, and the barracks are not fit for the purpose.

Secondly, even if the merchants there are willing to enter into such contracts, they have neither the experience, establishment, nor store accommodation requisite to enable them to carry them out effectually.

Thirdly, the cost of supplies generally would be greater at Wellington than in Auckland.

Fourthly, the dangerous navigation of Cook's Straits would tend to expense, losses, and delays in distributing such supplies to the several provinces requiring them.

The conclusions to be drawn from the above are, increased expense of supplies and establishments, inconvenience and delay in procuring supplies required.

In considering this subject in a financial point of view, I feel that it is my duty to submit for the Major-General's consideration the larger question of the general cost of the move of head-quarters, including departments, stores, &c., to Wellington.

The War Office has very recently been forced to incur very considerable expense for buildings of all kinds for the departments in Auckland, and there being now all that is absolutely requisite for the purpose, no further expense on this head is likely to be incurred so long as head-quarters remain in Auckland.

A removal to Wellington would necessitate new buildings, the hire or purchase of land conveniently situated upon which to place them, and involve heavy cost for freight in conveyance of the military and purveyor's stores now in Auckland, the whole cost of which could scarcely be under 100,000*l*.

I submit, therefore, before any steps are taken in this matter, that it would be necessary to obtain the sanction of the Secretary of State for War, unless indeed the Colony is prepared to meet such portion of that expense as may be disallowed from home.

The Assistant Military Secretary,
Head Quarters, Auckland.

I have, &c.
(Signed) H. STANLEY JONES,
Commissary-General.

SIR,

Military Store Office, Auckland, December 6, 1865.

WITH reference to the interview with the major-general commanding this morning, on the subject of the removal of the head quarters to Wellington, I have the honour to report for his information that I have carefully calculated, as well as the crowded state of the storehouses will allow, the amount of tonnage which would be required in the event of the military stores in my charge being ordered to be removed to that station.

I find, at the average rate of freight with the land and boat transport both at Auckland and Wellington, the cost would amount to about 50,000*l*; to this must be added the cost of store accommodation at Wellington, estimated at 18,000*l*; the probable loss and damage to the stores and other contingencies might be estimated at one-tenth, and the hire, purchase, or erection of suitable office accommodation for the major-general, staff, and departments, would make a total cost of about 75,000*l*; this is exclusive of the expense of the removal of any ammunition, or the provision of any extra magazine accommodation at Wellington.

Such an undertaking as the removal of the military store establishment to Wellington would cause the cessation of all other duties of the department for from four to six months, even could shipping be obtained, and it would be necessary for the store accommodation to be erected and available at that post before any of the stores are shipped from Auckland.

On the other hand, should it be considered unnecessary on account of the expense to transfer the military store establishment from Auckland, the removal of the major-general commanding and staff to Wellington would materially interfere with the existing regulations for the supply of stores of all descriptions for the use of the troops. By the special instructions which have been forwarded from the War Office for the performance of the military store duties in New Zealand, it has been directed that no stores of any description are to be issued except on the authority of the general officer commanding, conveyed through the deputy adjutant-general or deputy quartermaster-general.

The unavoidable delay which must occur in submitting every demand to Wellington, presuming the major-general and staff to be stationed there, would set aside all the standing regulations of the department, and render the prescribed and periodical supplies uncertain and irregular, which would in all probability cause discontent among the troops, and subject them to serious inconvenience and loss.

The short absences of the major-general lately from Auckland have afforded sufficient proof of the probable consequences which would arise by his being stationed permanently at Wellington; demands are delayed, communications from home authorities on important matters postponed, contractors unpaid, and the troops irregularly supplied.

The references to the deputy adjutant-general and deputy quartermaster-general in this command are of daily occurrence; and on mature consideration I do not think it possible, so far as the military store duties are concerned, that they can be conducted with due regard to the proper equipment and regular supply of the troops with the major-general and staff at one end of the island and the military store establishment at the other.

The Assistant Military Secretary,
&c. &c. &c.

I have, &c.
(Signed) J. O. HAMLEY,
Deputy Superintendent.

Enclosure 2 in No. 30.

SIR,

Downing Street, June 25, 1866.

I AM directed by Mr. Secretary Cardwell to state, in reply to your letter of the 21st instant, that he concurs in opinion with the Marquis of Hartington that the reasons given by Major-General Chute and Commissary-General Jones are conclusive against the proposed removal of the military head quarters from Auckland to Wellington.

Mr. Cardwell will forward a copy of your letter and of this reply to Sir George Grey for his information and guidance by the mail of the 26th instant.

The Under Secretary of State for War,
&c. &c. &c.

I am, &c.
(Signed) FREDERIC ROGERS.

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No. 31.

No. 31.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to
Governor Sir GEORGE GREY, K.C.B.

(No. 67.)

SIR,

Downing Street, June 25, 1866.

I TRANSMIT to you a copy of a letter from the War Office, with copy of a
Despatch from Major-General Chute, from which it appears that the issue of rations from
the Commissariat was continued up to the date of his Despatch. I also enclose for your
information a copy of the answer returned to the War Office by my desire.

I have, &c.

Governor Sir George Grey, K.C.B., (Signed) EDWARD CARDWELL.
&c. &c. &c.

Encl. 1 in
No. 31.

Enclosure 1 in No. 31.

SIR,

War Office, June 21, 1866.

WITH reference to previous correspondence respecting the issues of pay and rations by the
Commissariat to the Colonial forces in New Zealand, I am directed by the Secretary of State for War
to transmit to you, for the information of Mr. Secretary Cardwell, the enclosed copy of a Despatch
from Major-General Chute, dated the 7th April last, with copy of one addressed by him to Governor
Sir George Grey, and I am to request that you will cause the Marquis of Hartington to be informed
whether Mr. Cardwell concurs in the view of this subject taken by General Chute, as therein
expressed.

I have, &c.

Sir Frederic Rogers, Bart.,
&c. &c.

(Signed) EDWARD LUGARD.

SIR,

Head Quarters, Auckland, April 7, 1866.

In acknowledging the receipt of your letters as per margin, on the subject of issues of pay and
rations to the Colonial forces by the Commissariat, I have the honour to acquaint you, for the infor-
mation of the Right Honourable the Secretary of State for War, that on the 7th December last I
addressed a letter (copy enclosed) to his Excellency the Governor, to which I have not yet been
favoured with a reply.

Consequent on the receipt of your letters, I have, pending a reply from the Governor, declined, since
the 22nd December 1865, to sign any warrants for advances of pay to local forces, with the exception
of one reported in my letter of the 7th March last for the Colonial troops forming part of my force in
the late Wanganui and Taranaki campaign, but I do not feel that I should be justified in stopping the
issue of rations now made by the Commissariat to the local forces without more definite instructions.
They are therefore still continued, and by the enclosed return you will observe that they amount to a
considerable number.

I have, &c.

The Under Secretary of State,
War Office, London.

(Signed) T. CHUTE,
Major-General.

SIR,

Head Quarters, Auckland, December 7, 1865.

In submitting to your Excellency the copy of a letter received from the War Office, giving cover
to the copy of a Despatch, dated 26th December 1865, from the Secretary of State for the Colonies to
your Excellency, relative to the issues of pay and rations to the Colonial forces by the Commissariat
Department, I have the honour to request that your Excellency will be pleased to inform me whether
the circumstances under which the various advances of pay and rations now being made to the Colonial
forces and friendly natives are in your opinion of that exceptional nature described in the Secretary
of State's Despatch, as "of pressing and extraordinary emergency affecting the safety of the
community."

You will perceive that it is only the assurance of your Excellency that the circumstances are of
this pressing and emergent nature that can justify me in authorizing a continuance of these services.

I have, &c.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) T. CHUTE,
Major-General.

STATEMENT showing the Number of Rations issued to Colonial Forces at all Stations in New Zealand on the Dates specified, being the latest to which Returns have been received.

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Station.	Number rationed.		Date of latest Return.	Remarks.
	In Kind.	In Money.		
Auckland and Onhunga - -	14			
Ngaruawahia, Hamilton, and Cambridge.	2,000		16 March 1866.	
Whata Whata - - -	42		9 "	
Te Awumutu - - -	24		9 "	
Rangianhia - - -	30		9 "	
Kihi Kihi - - -	198		9 "	
Alexandra - - -	576 $\frac{1}{4}$		9 "	
Thames District - - -	116		16 "	
Tauranga - - -	194		16 "	
Napier - - -	14		1 "	
Wairoa Expeditionary Force -	110		1 "	
Matepero Agarno - - -	22		1 "	
Lambert Redoubt - - -	37		1 "	
Waitpukurau - - -	9		1 "	
Wanganui - - -	90		1 February 1866.	
Patea - - -	1		1 "	
Manaisapau - - -	1		1 "	
Wargnognoro - - -	5		1 "	
North of Waitara - - -	—	250*	14 January 1866.	*Subsequent estimate, upon which no payment has been made, shows number to be 115 only.
Te Aroi - - -	1		1 February 1866.	
Oakura - - -	1		1 "	
Stoney River - - -	8		1 "	
Warea - - -	80		1 "	
Opunaki - - -	4		1 "	
Totals -	3,577 $\frac{1}{4}$	250		
	3,827 $\frac{1}{4}$			

Commissariat, New Zealand,
Auckland, 21st March 1866.

(Signed) H. STANLEY JONES,
Commissary-General.

Enclosure 2 in No. 31.

Encl. 2 in
No. 31.

SIR,

Downing Street, June 25, 1866.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 21st inst., forwarding copy of a Despatch from Major-General Chute, in which he states that he does not feel justified in stopping the issue of rations now made by the Commissariat to the local forces without more definite instructions.

Mr. Cardwell desires me to request that you will call the Marquis of Hartington's attention to the Despatch he addressed to Sir George Grey on the 26th March last, No. 35, a copy of which was forwarded to you in my letter of the same date; instructing him positively that all advances of pay and rations were prohibited.

Mr. Cardwell presumes that, unless some new and totally different state of circumstances has arisen, the advances have been long since discontinued, whether for pay or for rations, if not, they should be forthwith.

The Under Secretary of State for War,
&c. &c. &c.

I have, &c.
(Signed) FREDERIC ROGERS.

No. 32.

No. 32.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to
Governor Sir GEORGE GREY, K.C.B.

(No. 68.)

SIR,

Downing Street, June 25, 1866.

I TRANSMIT to you for your information a copy of a letter from the War Office, with a copy of a Despatch from Major-General Chute, having reference to the amount of force to be retained in New Zealand, together with a copy of the letter addressed to the War Office in reply by my desire.

I am, &c.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

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Enclosure 1 in No. 32.

SIR,

War Office, June 16, 1866.

WITH reference to your letter of the 5th instant, on the subject of the retention, under certain conditions, of one battalion of infantry in New Zealand, I am directed by the Secretary of State for War to transmit to you, for the information of Mr. Secretary Cardwell, the accompanying copy of a Despatch, which, with its enclosures, has been received from Major-General Chute, on the subject of the withdrawal of the troops from that Colony.

The Marquis of Hartington presumes that Major-General Chute may be informed, in reply to the inquiry contained in his Despatch, that he is right in assuming that he will be acting in accordance with the intention of Her Majesty's Government in retaining one battalion of infantry irrespective of any provision being made by the Colony for the prescribed payment on account of troops, but contingent upon the contribution for native purposes alluded to in your letter.

I am to add that Lord Hartington would be glad to learn from Mr. Cardwell whether it is to be understood that the arrangement above referred to is intended to include the retention of a battery of artillery in New Zealand, in order that the necessary instructions may be sent to Major-General Chute on the subject.

Sir Frederic Rogers, Bart.,
&c. &c.

I have, &c.
(Signed) EDWARD LUGARD.

MY LORD,

Head Quarters, Auckland, April 7, 1866.

WITH reference to your Lordship's Despatch, No. ⁰⁹⁰/₉₀₉ of the 26th January 1866, and also with reference to a letter received from Governor Sir George Grey, dated 17th January last, a copy of which was forwarded for your Lordship's information in my letter of 7th March, No. ⁵¹/₆₆, to the Under Secretary of State, I have the honour to state that on the 17th ultimo I addressed a letter to his Excellency (copy enclosed) for information as to whether the withdrawal of Her Majesty's forces might now proceed more rapidly than at the rate of one regiment in every two months. Not having yet received any answer from his Excellency, I have now addressed a letter to him (copy enclosed), stating that in the absence of a reply I intend making arrangements for the withdrawal of all the troops remaining in the country after the embarkation of the first five regiments, at the rate of one in every two months, but that I shall be glad to receive his Excellency's opinion as to whether the reduction may be made more rapidly.

From your Lordship's Despatch of the 27th February 1865 I gather that it is the intention of Her Majesty's Government to leave in New Zealand one battalion irrespective of any provision being made by the Colony for the prescribed payment on account of troops, but as no reference to this point has been made in recent instructions, I have to request that I may be informed whether I shall be acting in accordance with your Lordship's wishes in retaining the 2/18th regiment, which is the last on the roster, and also whether any portion of the Royal Artillery or Royal Engineers are to be left in New Zealand.

With regard to the Military Train, their departure at present would entail a serious expenditure for civil transport, which it would be difficult, if not impossible, to obtain for the supply of some of the distant posts, but on receiving from his Excellency the Governor, permission to withdraw the troops from the outposts, I shall be enabled at once to arrange for the embarkation of this corps.

The Right Hon. the Secretary of State for War,
War Office, London.

I have, &c.
(Signed) T. CHUTE,
Major General.

SIR,

Head Quarters, Auckland, April 7, 1866.

IN the absence of any reply to my letter of the 17th ult., No. ⁶⁴/₆₆ I have the honour to inform your Excellency that I propose making arrangements for the departure of all Her Majesty's troops remaining in the Colony after the embarkation of the first five regiments at the rate of one regiment every two months; at the same time I shall still be glad to hear from your Excellency whether, in your opinion, they may be despatched more rapidly.

It appears, however, from a letter of the 27th February 1865, a copy of which was forwarded to your Excellency on the 10th May last, that it is the intention of Her Majesty's Government to retain one battalion of infantry in New Zealand. The last regiment on the roster, viz., the 2/18th regiment, is now 830 strong, and I shall be obliged by your Excellency informing me as to your wishes with regard to their distribution on the departure of the rest of the force.

The order in which the regiments will now leave the Colony is as follows:—

43rd regiment in course of embarkation for England.

40th regiment and one battery of artillery, do.

2/14th regiment to the Australian Colonies.

57th regiment for England.

Military Train do.

12th regiment do.

50th regiment do.

I will feel obliged by your Excellency informing me whether I am at liberty to withdraw these corps from the posts they may be occupying, as I may require them for concentration prior to embarkation.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Head Quarters, Auckland, March 17, 1866.

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ZEALAND.

ADVERTING to your Excellency's letter of the 17th January last, and the repeated instructions from the Right Honourable the Secretary of State for War, relative to the withdrawal of Her Majesty's troops from this Colony, conveyed in Despatches as per margin, and copies of which are enclosed, I have the honour to report, for your Excellency's information, that the 68th light infantry have now sailed for England. The 43rd light infantry will embark early next month, and the 40th regiment and a battery of artillery will leave about the end of April.

As previously arranged with your Excellency, I have removed the 50th regiment from Wanganui to Taranaki, to relieve the 43rd regiment, who are concentrating at Otahuhu for embarkation. The 57th regiment will also leave Wanganui for Auckland to relieve the 40th regiment in the Waikato. When the 57th regiment have left Wanganui, the force in that district will be reduced to 1,200 men.

I have now to request that I may be favoured with your Excellency's wishes regarding the further reduction of the force. As to whether you will desire the regiments remaining in the Colony after the departure of the 40th, to leave at the rate of one regiment in each two months, or whether it will be prudent to remove them more rapidly.

I am of opinion that the regiment leaving New Zealand after the 40th should be sent to the Australian Colonies, agreeably to War Office instructions, dated 27th November 1865, and for this service I have selected the 2/14th regiment. The departure of this regiment will further reduce the force in the Wanganui district by 450 men, in the Napier province by 180 men, and in Auckland by 200 men.

The 57th regiment will then be the next for embarkation, and as at that time it will then be on the Waikato, I shall be glad to learn your Excellency's intentions with regard to the further occupation of the posts in that district by Her Majesty's troops.

I am in hopes that by the 15th proximo the whole of the Commissariat Transport Corps will be reduced.

His Excellency Sir George Grey, K.C.B.

&c.

&c.

&c.

I have, &c.
(Signed) T. CHUTE,
Major-General.

Enclosure 2 in No. 32.

SIR,

Downing Street, June 22, 1866.

Encl. 2 in
No. 32.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 16th instant, forwarding a copy of a Despatch from Major-General Chute, and inquiring for the Marquis of Hartington's information,

1st. Whether that officer is right in assuming that it is the intention of Her Majesty's Government that one battalion of infantry should be retained in New Zealand irrespective of any provision being made by the Colony for the payment of troops, but contingent upon a contribution for native purposes.

2nd. Whether one battery of artillery was to be retained irrespective in like manner of provision being made for the payment of troops.

I am to state in reply that the instructions conveyed to Sir George Grey by Mr. Cardwell's Despatch of the 27th November, No. 97, a copy of which was forwarded to you in my letter of the same date, are to be taken as being in full force; and in order that there may not be any misapprehension on the subject, Mr. Cardwell desires me to restate the exact nature of the arrangement to which those instructions refer, and which had been assented to by Mr. Reader Wood on behalf of the Colony.

1st. That in consideration of the many circumstances connected with the presence of a large native population one regiment should be retained in the Colony at the cost of the Imperial Treasury, provided the Colony should continue to pay out of Colonial funds a sum of 50,000*l.* for the especial benefit of that population.

2nd. That any troops beyond the one regiment that might be retained, the Colony should contribute a sum of 40*l.* a head for infantry and 55*l.* for artillery. And the number that might be so retained was not to exceed three battalions of infantry and one battery of artillery.

Mr. Cardwell thinks it very desirable that Major-General Chute should be informed by the next mail that he must guide himself accordingly, and that it will be his duty to send from the Colony as speedily as possible, unless the required provision has been made, every soldier, whether infantry or artillery, in excess of the one regiment, and that regiment also, unless he is informed by the Governor that 50,000*l.* per annum is devoted to native purposes.

Mr. Cardwell thinks that Major-General Chute should be reminded that he has instructed the Governor that the troops retained in the Colony must be concentrated, and not be left in distant and isolated posts.

As regards the Military Train, Mr. Cardwell sees no reason why it should not be sent home, as it now devolves on the Colony to provide at its own charge the entire cost for inland transport.

The Under Secretary of State for War,

&c.

&c.

&c.

I have, &c.
(Signed) FREDERIC ROGERS.

No. 33.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P.,
to Governor Sir GEORGE GREY, K.C.B.

(No. 72.)

No. 33.

SIR,

Downing Street, June 26, 1866.

I HAVE the honour to acknowledge the receipt this day of a telegraphic message* from you in the following words:—"I have seen Thompson and the other chiefs. Entire

*Page 109.

"country quiet. Revenue much increased. All advances for Natives (rations), &c. to be repaid each month. Troops fast going home."

I need scarcely say with how much satisfaction I receive this intelligence. I trust that the war in New Zealand may now be considered to be finished; and that Her Majesty's subjects of the European and the Native races will enter upon a course of undisturbed tranquillity, and, by natural consequence, of rapid and progressive prosperity.

I enclose a copy of a letter in which I have communicated this message to the Secretary of State for War with reference to the recent correspondence on the subject of advances for rations.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Enclosure in No. 33.

June 26, 1866.

I AM directed by Mr. Secretary Cardwell to transmit to you, for the information of the Secretary of State for War, a copy of telegraphic message* received this morning from Sir George Grey.

Mr. Cardwell is of opinion that (as he said in his Despatch to Sir George Grey of September 26, 1865) there is no reason to object to these advances if actually repaid monthly; and provided that the Commissariat establishment is not maintained longer than the requirements of Her Majesty's troops render necessary; but he concludes this necessity will no longer continue, and the Imperial establishment will be shortly withdrawn altogether from the Colony.

The Under Secretary of State for War,
&c. &c. &c.

I am, &c.

(Signed) **FREDERIC ROGERS.**

APPENDIX.

NEW
ZEALAND.

(SEAL.) NEW ZEALAND.

ANNO VICESIMO NONO VICTORIÆ REGINÆ.—No. 11.

ANALYSIS.

- Title.
Preamble.
1. Short Title.
2. All persons of Maori race deemed natural-born subjects.
3. All Courts of Law declared to have jurisdiction over persons and property of the Maori people.

4. Maori title to land determined according to custom of the Maori people.
5. In actions involving questions of Maori title, Judge before whom tried shall direct issues for trial before Native Lands Court.

AN ACT to declare that the Maoris shall be deemed to be Natural-born Subjects of Her Majesty, and to declare that the Jurisdiction of the Queen's Courts of Law extends over the Persons and Properties of all Her Majesty's Subjects within the Colony. [26th September 1865.]

WHEREAS doubts have been raised whether certain persons of the Maori race are natural-born subjects of Her Majesty, and whether Her Majesty's Courts of Law within the Colony of New Zealand have jurisdiction in all cases touching the persons and property of the Maori people, and it is expedient that all such doubts should be removed.

Be it therefore declared and enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority thereof, as follows:—

I. The Short Title of this Act shall be "The Native Rights Act, 1865."

II. Every person of the Maori race within the Colony of New Zealand, whether born before or since New Zealand became a dependency of Great Britain, shall be taken and deemed to be a natural-born subject of Her Majesty to all intents and purposes whatsoever.

III. The Supreme Court and all other Courts of Law within the Colony ought to have, and have the same jurisdiction in all cases touching the persons and the property, whether real or personal, of the Maori people, and touching the titles to land held under Maori Custom and Usage, as they have or may have under any law for the time being in force in all cases touching the persons and property of natural-born subjects of Her Majesty.

IV. Every title to, or interest in land over which the Native Title shall not have been extinguished, shall be determined according to the Ancient Custom and Usage of the Maori people so far as the same can be ascertained.

V. In any action in which the title to or any interest in any such land is involved, the Judge before whom the same shall be tried shall order that any issue or issues in such action, in which such title or interest is involved, whether they be issues of fact or of Maori Custom or Usage, shall be tried in the Native Lands Court, and the Judge of the Native Lands Court before whom the same shall be tried shall return the verdict or judgment as the case may be, into the Supreme Court, and such verdict or judgment shall be taken as conclusive, both as to fact and as to the Maori Custom or Usage, and shall be dealt with by the Supreme Court in the same manner and shall have the same effect as the verdict of a jury in the Supreme Court.

Title

Preamble.

Short Title.
All persons of Maori race deemed natural-born subjects.

All Courts of Law declared to have jurisdiction over persons and property of the Maori people.

Maori title to land determined according to custom of Maori people.

In actions involving question of Maori title Judge before whom tried shall direct issues for trial before Native Lands Court.

NEW ZEALAND.

ANNO VICESIMO NONO VICTORIÆ REGINÆ.—No. 12.

ANALYSIS.

- Title.
Preamble.
1. Short Title.
2. Governor may issue a Commission.
3. Quorum thereof.
4. Appointment of Officers and Staff of Commission.

5. Commissioners to report as to the establishment of Native Electoral Franchise, &c.
6. Plural reports.
7. Reports to be presented to the General Assembly.
8. Powers vested in Governor in Council.
9. Duration of Commission.

AN ACT for the declaring certain rights of the Aboriginal Natives of New Zealand, and for enabling the Governor to appoint a Commission for certain purposes. [26th September 1865.]

WHEREAS it is expedient as far as possible to remove the obstacles which exist to the full enjoyment by the Aboriginal inhabitants of New Zealand of the rights and privileges of natural-born subjects of Her Majesty within the Colony, and further, that a Commission should be issued for the purpose of

Title.

Preamble.

NEW
ZEALAND.

obtaining information for the guidance of the General Assembly in reference to legislation on matters affecting the well-being of persons of the Native race.

Be it enacted by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

I. The Short Title of this Act shall be "The Native Commission Act, 1865."

Governor may
issue a
Commission.

II. The Governor is hereby empowered to issue a Commission under the public seal of the Colony, directed to not less than twenty nor more than thirty-five persons of the native race, and to such other persons of the European race, not being less than three, nor more in number than five, and to cause the persons named in such commission to be summoned to attend at such time and place, or times and places as he shall think fit.

Quorum thereof.

III. Ten Commissioners shall be a quorum.

Appointment of
Officers and
Staff of
Commission.

IV. The Commissioners may from time to time make and frame regulations for the appointment of a President, Clerk and other Officers of the Commission for fixing the time and place of meeting of the Commissioners for the adjournment of such meetings, and generally for the conduct of business of the Commissioners, and they may from time to time alter and vary any such regulations and may rescind the same or any of them, and all such regulations being approved by the Governor, shall be binding on the Commissioners.

Commissioners
to report as to
the establish-
ment of Native
Electoral
Franchise, &c.

V. It shall be the duty of the Commissioners, and they are hereby required to examine and report to the Governor as to the most expedient mode of defining an Electoral Franchise to be conferred temporarily, and pending the conversion of their customary titles to land into titles under grant from the Crown upon persons of the Native race, and of ascertaining the persons qualified to vote at elections in respect of such franchise, and regulating the conduct of election so far as relates to such electors, and generally as to the most advisable mode in which persons of the Native race may be admitted to the practical exercise and enjoyment of equal political rights with others of Her Majesty's subjects, and also to examine into and report upon all other matters affecting the interests and well-being of the Native race, which may be from time to time submitted for their consideration by the Governor.

Plural reports.

VI. The Commissioners may report from time to time.

Reports to be
presented to the
General
Assembly.

VII. Every report of the Commissioners shall be presented to the Governor, and shall be laid before both Houses of the General Assembly forthwith, if the General Assembly shall be then in Session, or if not, then immediately on the opening of the next Session of the Assembly.

Powers vested in
Governor in
Council.

VIII. The powers hereby vested in the Governor shall be exercised by the Governor in Council.

Duration of
Commission.

IX. No Commission issued under this Act shall continue in force after the thirty-first day of December one thousand eight hundred and sixty-six.

(SEAL.)

NEW ZEALAND.

ANNO VICESIMO NONO VICTORIÆ REGINÆ, No. 23.

ANALYSIS.

- | | |
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| <p>Title.
Preamble.
1. Short Title.
2. Governor may demand criminals to be given up.
3. District may be proclaimed.
4. Governor may take lands.
5. Land to be taken according to guilt of persons.</p> | <p>6. Land of innocent persons exempt.
7. Money, how to be spent.
8. Natives may agree with Governor to dedicate lands to maintain police, &c.
9. Power of trustees.
10. Governor to appoint and remove trustees.</p> |
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Title.

AN ACT for maintaining the Queen's peace within certain districts of the Colony, and for charging the cost thereof upon such districts. [9th October 1865.]

Preamble.

WHEREAS it is necessary that some further provision should be made for enforcing the law, and for arresting criminals in certain districts of the Colony, and for charging upon the districts in which any outrages may occur, the cost of arresting and bringing to trial the perpetrators thereof, and such other expenses as may be necessary for maintaining the peace within such districts.

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

I. The Short Title of this Act shall be "The Outlying Districts Police Act, 1865."

Governor may
demand crimi-
nals to be given
up.

II. If any murder, assault with intent to kill, rape, or assault with intent to rape, burglary, arson, or armed resistance to any officer of the law, shall have been committed in any district of the Colony, and the perpetrators or suspected perpetrators thereof shall be concealed, harboured, or protected by the inhabitants of such district, or of any other district, so that the perpetrators of such offences cannot be arrested and committed for trial according to law, it shall be lawful for the Governor to issue a proclamation calling upon the Chiefs and other inhabitants of any or every such district to aid in the arrest of such criminals or suspected criminals, and giving warning that in case such criminals or suspected criminals shall not be arrested on or before a certain day specified in such proclamation, the district within which any such offence shall have been committed, and every district within which any such criminal or suspected criminal shall have been concealed, harboured, or protected, is liable to be brought under the operation of this Act. And the Governor shall cause such proclamation to be published in every district to which the same shall relate in such manner as he shall think fit. Provided

always that every such proclamation shall be issued as regards the district in which any such crime shall have been committed within three months after the commission of such crime, and as regards any other district within three months after the Governor shall have been informed that such criminals or suspected criminals are being harboured, concealed, or protected therein.

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District may be
proclaimed.

III. If after such proclamation the Chiefs and other inhabitants of any such district shall persist in refusing or neglecting to deliver up such criminals or suspected criminals to justice, or to aid in their arrest, and if such criminals or suspected criminals shall not have been arrested within a period to be defined in such proclamation, not being less than fourteen days after such proclamation shall have been published in the district, it shall be lawful for the Governor by an Order in Council, and he may declare that such district is brought under the operation of this Act, and every such Order shall define as accurately as possible the boundaries of the district so declared, and from and after the date of such Order such district shall be a proclaimed district within the meaning of this Act. Provided that the limits of any district as brought under the operation of this Act may be from time to time altered by the like authority.

IV. It shall be lawful for the Governor to take so much of the lands within any such proclaimed district as he shall think necessary for the purposes herein-after mentioned, and either to sell the same or any part thereof to purchasers, or to convey the same or any part thereof to trustees, to be held in trust for the purposes herein-after mentioned, and all lands so taken shall become Demesne Lands of the Crown, and it shall be lawful for the Governor to issue Crown Grants for all such lands to such purchasers or trustees; and such Crown Grants shall convey the fee simple thereof, and shall constitute a valid and effectual title to the lands named therein.

Governor may
take lands.

V. In taking any such land regard shall be had so far as possible to the several degrees in which the owners thereof shall have been implicated in the said crimes, or in concealing or protecting the perpetrators of the same from justice, so that the land of the principals in any such crime shall be taken first, and before taking any such land the Governor shall appoint one or more Commissioners, being competent persons, who shall inquire into and report to the Governor what lands are the property of each person concerned in such crime, or in concealing or protecting such criminals.

Land to be taken
according to
guilt of persons.

VI. It shall not be lawful for the Governor to take under the authority of this Act any land being the sole property of any person who was absent from the district and was not concerned in such crime, or in concealing such criminals, or who may have endeavoured by giving information or otherwise to aid in giving up such criminals or suspected criminals to justice. And if any such person shall have any joint interest or interest in common in any land which shall be taken under the authority of this Act, he shall be entitled to compensation for the loss of such interest to be assessed by the Native Lands Court.

Land of innocent
persons exempt.

VII. All moneys arising from the sale, letting, or other disposal of any lands taken under the authority of this Act shall be paid by the trustees or other persons receiving the same, to the Colonial Treasurer, and shall be applied in such manner as the General Assembly shall direct to the following uses, and to none other.

Money how to be
spent.

- (1.) To make provision for the widows, children, parents, unmarried sisters of, or other relatives dependent for their support upon any person whose life may have been lost by any such crime.
- (2.) To compensate any person who may have suffered personal injury, or any loss or damage of goods by any such crime.
- (3.) To compensate any person who may have lost any interest in land as herein-before mentioned, taken under the authority of this Act.
- (4.) To defray the expenses incurred in arresting and bringing to justice any such criminals as aforesaid.
- (5.) To pay the salaries of Magistrates, Police Officers, and Constables in such district.
- (6.) To erect such buildings as may be necessary for the maintenance of such police, and for the administration of justice within such district.
- (7.) To establish and maintain hospitals within such district.

VIII. If the Native Chiefs and other inhabitants within any district of the Colony shall agree with the Governor that a certain part of the lands within such district over which the Native Title shall not have been extinguished, shall be set apart and dedicated for ever to the purpose of maintaining order within such district, the Governor shall cause the title to such lands to be referred to the Native Lands Court. And if the owners thereof in whose favour the certificate of the Native Lands Court shall have been issued, shall by a deed under their hands consent to the appropriation of the said land in the manner aforesaid, it shall be lawful for the Governor to issue a Crown Grant conveying such land to trustees to be held in trust for the following purposes, that is to say:—

Natives may
agree with
Governor to
dedicate lands to
maintain police,
&c.

- (1.) To pay the salaries of Magistrates, Police Officers, and Constables within such district.
- (2.) To erect such buildings as may be necessary for the maintenance of such Police, and for the administration of justice within such district.
- (3.) To establish and maintain hospitals within such district.

Provided that if the said owners and the Governor shall agree that any part of the said lands may be sold for the purpose of raising funds for the erection of buildings or other necessary works for carrying out the objects herein described, it shall be lawful for the trustees to sell any such lands and to convey the same to the purchasers thereof.

IX. The trustees to whom any lands shall be conveyed in trust by the Governor under the authority of this Act, shall have power to let such lands or any part or parts thereof on lease on such terms and conditions and for such periods and subject to such rent as the Governor in Council shall determine.

Power of
trustees.

X. The Governor shall have power by warrant under his hand at any time and from time to time to remove any trustee to whom any such land has been conveyed on trust as aforesaid, and on the death,

Governor to
appoint and re-
move trustees.

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resignation, or removal of any such trustee, to appoint by warrant under his hand any other person in the place of the trustee who shall have died, resigned, or been removed, and such person so appointed shall immediately upon such appointment become seized of and entitled to such land jointly with any remaining trustee, subject however to the trusts upon which the land was originally conveyed by the Governor.

(SEAL.)

NEW ZEALAND.

ANNO VICESIMO NONO VICTORIÆ REGINÆ.—No. 25.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Interpretation.
3. Money coming to parties under disability may be paid to Trustees.
4. Powers of Trustees—
 (1.) To pay costs.
 (2.) To pay annuity, &c., to widow.
 (3.) To distribute part of money to tribe.
 (4.) To invest.
 (5.) To purchase lands.
 (6.) To hold property in trust for infants.</p> | <p>(7.) To apply money for maintenance, &c., of infants.
(8.) Or for advancement.
(9.) To divide trust funds.
(10.) To execute deeds.
(11.) To reimburse themselves expenses.
(12.) To remunerate themselves.
(13.) To do anything else advantageous to trust estate.
5. Receipt of Trustees.
6. Appointment of new Trustees.
7. Receipts of Trustees.
8. Limitation of liabilities of Trustees.
9. Application to Supreme Court.</p> |
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Title.

AN ACT for the Investment and Application of Monies accruing to Maoris in certain cases.

[27th October 1865.]

Preamble.

WHEREAS it is expedient to provide for the investment and beneficial application of monies, becoming payable by the Crown to persons of the Maori race under the "New Zealand Settlements Act, 1863," or any other law for the time being in force in cases where such persons are infants or under any legal disability.

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

I. The Short Title of this Act shall be "The Maori Funds Investment Act, 1865."

Interpretation.

II. In the construction of this Act, the word "Maori" shall mean aboriginal Natives of New Zealand and shall include half-castes and their descendants by Natives. The word "Trustees" shall mean Trustees whether original or substituted and shall include the survivor of them.

Money coming to
parties under
disability may
be paid to
Trustees.

III. In any case in which any money shall be payable by the Crown to any Maoris by way of compensation under any Act of the General Assembly, or arising in any other manner, if such persons or any of them shall be infants, lunatics, or under other legal disability, it shall be lawful for the Governor in Council to order that so much of such sum of money as on the face of the order, award, certificate, or other instrument whereby such sum of money becomes payable shall appear to be payable to such infant, lunatic, or other person under legal disability, or the whole of it if the respective shares of the persons named in such order, award, certificate or other instrument cannot be distinguished, shall be paid to Trustees, and in and by such order shall name and appoint such Trustees as the Governor in Council shall think fit, and such Trustees shall have the powers and be subject to the legal incidents hereafter set forth. Provided always, that none of the powers or incidents hereby conferred or annexed to the said office or to the circumstances hereafter stated, shall take effect or be exercisable if it is declared in the Order in Council appointing the Trustees that they shall not take effect, and where there is no such declaration, then if any variations or limitations of any of the powers or incidents hereby conferred or annexed are contained in such Order in Council, such powers or incidents shall be exercisable and take effect only subject to such variations or limitations. Provided further, that such variations or limitations may be made by reference to the numbers of the sub-sections of clause IV. of this Act.

Powers of
Trustees—
To pay costs.

IV. The Trustees for the time being may do the following things:—

To pay annuity,
&c. to widow.

(1.) They may pay and discharge all costs and expenses incurred by or on behalf of their *cestuique* trusts in appearing before any Court or other judicature for the purpose of obtaining such compensation as aforesaid or consequent or attending thereon, or for any other purpose which the Judge of such Court or other judicial authority shall certify to have been necessary or beneficial to the parties.

To distribute
part of money to
tribe.

(2.) They may pay such portion of the money in their hands as the Governor shall sanction, to any widow entitled under such order, award, or certificate as aforesaid, and may also pay her an annuity of such an amount as to them may seem just for her maintenance.

To invest.

(3.) They may with the consent of the Governor pay any portion of such money to or divide such portion amongst any members of the aboriginal tribe whom they may think entitled thereto, according to the Native custom applicable to the land from whence or respecting which the fund arose.

(4.) They may in their own names invest the money in their hands, in Government securities, or on mortgage of land and hereditaments or other real securities within the Colony, and also from time to time may vary any such investments.

- (5.) They may in their own names with the approval of the Governor purchase any land, tenements or hereditaments in the Colony, and may sell the same together or in parcels, and by private contract or public auction as and when they shall think fit, and such purchased land, tenements, and hereditaments until sold by the said Trustees shall be held by them upon the same trusts, for the same purposes, and subject to the same conditions as the money was subject to with which they were purchased. NEW ZEALAND.
To purchase lands.
- (6.) If the said trust funds and property are held in trust for infants the Trustees shall stand possessed of the same for the benefit of all and every such infants, to be equally divided among them share and share alike, the shares of male infants to be paid, assigned, or transferred as and when they shall respectively attain the age of twenty-one years, and the shares of female infants to be paid, assigned, or transferred as they shall respectively attain that age or marry, but if there shall be only one such infant *cestuique* trust who shall attain the age of twenty-one years, or being a female shall marry as aforesaid, then the whole of such trust funds and property shall be paid, transferred, and assigned to such one, subject, however, in all cases to any annuity payable under the foregoing provisions. Provided, that if any infant *cestuique* trust shall die before his or her money shall become vested as aforesaid leaving children, such children shall succeed to their deceased parent's money or share and be entitled thereto in manner aforesaid. To hold property in trust for infants.
- (7.) In all cases where the property is held in trust for infants, they may at their discretion pay to or apply for or towards the maintenance or education of such infants the whole or any part of the income to which such infants may be entitled in respect of such property, whether there be any other fund applicable to the same purpose, or any other person bound to provide for such maintenance and education or not, and the Trustees shall accumulate all the residue of such income, by way of compound interest, by investing the same, and the resulting income thereof, from time to time in proper securities, or on mortgage, or in the purchase of hereditaments as aforesaid for the benefit of the person who shall ultimately become entitled to the property from which such accumulation shall have arisen. Provided always, that it shall be lawful for the Trustees at any time if it shall appear to them expedient, to apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year. To apply money for maintenance &c. of infants.
- (8.) They may at their discretion apply the whole or any part of the money or share of an infant, if a male, in placing him in any business, profession, or engagement, or otherwise, for his preferment or advancement in life, and if a female, may settle her money or share on her and her children on her marriage, or may pay over the same to trustees for her, or to her for her absolute use on her marriage, as they may think fit. Or or advancement.
- (9.) When all the surviving *cestuique* trusts shall have come of age, the Trustees shall wind up the trust estate, and shall divide the residue of the trust property among them, subject to any annuity as aforesaid, if any such there be (for the regular payment of which thereafter they may make such arrangement as they think fit) share and share alike. To divide trust funds.
- (10.) They may give, do, make, and execute all notices, agreements, deeds, and other instruments and things necessary for carrying into effect the objects of their trust. To execute deeds.
- (11.) They may, out of the trust fund, reimburse themselves all costs, charges, and expenses which they may lawfully incur or be reasonably put into in carrying this Act into execution. To reimburse themselves expenses.
- (12.) They may pay to themselves, or to such one of them as they shall fix upon to undertake the administration of the affairs of their trust, and the management of the education, advancement, and maintenance of the *cestuique* trusts an annual remuneration of five per cent. on the income. To remunerate themselves.
- (13.) And they may, with the consent of the Governor first obtained, do all such other things as they may think necessary or beneficial for the advantageous administration of the trust estate, and the good of their *cestuique* trusts. To do anything else advantageous to trust estate.

V. The receipt of such Trustees, or any two of them, shall be a sufficient discharge to the Colonial Treasurer or other person paying any money to them by virtue of such Order in Council as aforesaid for the amount of money therein expressed, and he shall not be charged with the duty of seeing to the application thereof.

VI. Whenever any Trustee, either original or substituted, shall die, or desire to be discharged from or refuse or become unfit or incapable to act in the trusts or powers in him reposed before the same shall be fully discharged and performed, it shall be lawful for the surviving or continuing Trustees or Trustee for the time being, or the acting executors or administrators of the last surviving and continuing Trustee, or for the last retiring Trustee, by writing to appoint any person or persons to be a Trustee or Trustees in the place of the Trustee or Trustees so dying or desiring to be discharged or refusing or becoming unfit or incapable to act as aforesaid, and so often as any new Trustee or Trustees shall be so appointed as aforesaid, all the trust property which for the time being shall be vested in the surviving or continuing Trustees or Trustee, or in the heirs, executors, administrators of any Trustee shall immediately thereupon without any further deed become by virtue of this Act legally conveyed, assigned, and transferred to and effectually vested in such new Trustee or Trustees, either solely, or jointly with the surviving or continuing Trustee or Trustees, as the case may require. And every new Trustee to be appointed as aforesaid shall have the same powers, authorities, and directions, and shall in all respects act as if he had been originally appointed a Trustee by the Order in Council. Receipts of Trustees.

VII. The receipt in writing of any Trustees or Trustee for any money payable to them or him by reason or in exercise of the trusts or powers reposed or vested in them or him shall be a sufficient discharge for the money therein expressed to be received, and shall effectually exonerate the persons paying such

Appointment of new Trustees.

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money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

VIII. Every Trustee shall be chargeable for such moneys only as he shall actually have received, although he shall have joined in any receipt for moneys received by any co-trustee, and shall not be answerable for the act of any co-trustee, or for any loss which may arise by reason of any trust moneys being deposited in the hands of any banker or agent, or from the insufficiency or deficiency of any security upon which the trust moneys or any part thereof may be invested, nor for any loss in the execution of the trust, unless the same shall happen through his own wilful neglect or default.

IX. Upon the application by petition to the Supreme Court of any person making claim to the trust funds, or any part thereof, or the interest and proceeds thereof, or to the securities whereon the same shall be invested, or any part thereof, or to any estate or interest therein, the Supreme Court may in a summary way make such order for the distribution of the trust funds, or for the investment thereof, or payment of the interest and proceeds thereof, or any part thereof, or any such other order relating thereto, or the rights or interests of the several parties thereto or therein as to the Supreme Court shall seem fit.

(SEAL.)

NEW ZEALAND.

ANNO VICESIMO NONO VICTORIÆ REGINÆ.—No. 66.

ANALYSIS.

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Continuance of former Acts. Power of Governor to proclaim districts not to be exercised.
3. Power of Governor to make regulations for proceedings of Compensation Court.
4. Regulations to be published in the Government Gazette.
5. Claims to specify particulars.
6. The Crown may abandon land in respect of which compensation is claimed.
7. Power of Compensation Court.
8. Bills of costs, &c., to be taxed by any officer appointed by the Compensation Court.</p> | <p>9. Parties may agree that compensation shall be in land.
10. The Crown may elect to give compensation in land.
11. Power of appeal.
12. Form of order and award.
13. Payment or transfer not to be required till after a lapse of three months.
14. Repeal of 14th and 15th clauses of the Act 1863. Provision in lieu thereof.
15. Payment or transfer to be made to persons specifically named.
16. Governor to have the power of laying out land for sale.
17. Governor may grant land subject to conditions of military and other services.
18. Application of proceeds of sale.</p> |
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AN ACT to alter, amend, and continue "The New Zealand Settlements Act, 1863."

[30th October 1865.]

WHEREAS by "The New Zealand Settlements Act Amendment Act, 1864," (herein referred to as the Act of 1864), it was enacted, that "The New Zealand Settlements Act, 1863," (herein referred to as the Act of 1863) and the said Act of 1864 should respectively continue in operation until the third day of December 1865, and it is expedient to alter and amend the said Act of 1863, as amended by the said Act of 1864, and to prolong the continuance thereof as so amended:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

I. The Short Title of this Act shall be "The New Zealand Settlements Amendment and Continuance Act, 1865."

II. The said Act of 1863, as amended by the said Act of 1864, and by this Act is hereby made perpetual: Provided, that the powers vested by the said Act of 1863 in the Governor in Council, of proclaiming Districts, and of reserving and taking land for settlement under the said Act, shall not be exercised after the third day of December 1867.

III. The Governor in Council shall have power from time to time to make regulations for the practice and procedure of the Compensation Courts, and of arbitrations, umpirages, and appeals under the said Acts and under this Act, and for establishing scales of fees in relation to all such proceedings, and may from time to time rescind, alter, and amend such regulations.

IV. All such regulations, and all rescindings, alterations, and amendments thereof, shall be from time to time notified in the Government Gazette of the Colony, and shall take effect from the publication of such notice, or at such other day as shall be therein fixed, not being prior to the publication thereof.

V. Every claim for compensation under the said Act of 1863 shall specify the name or names of the claimant or claimants, the interest in respect whereof the claim is made, and as nearly as may be the extent and particulars of land affected thereby and the amount claimed as compensation.

VI. In every case of claim for compensation the Colonial Secretary on behalf of the Crown may, if he shall think fit at any time before judgment or award, by notice in writing to the claimant, delivered to or addressed by post to him or her, or delivered to his or her agent or attorney, abandon the right of the Crown to take the land in respect of which compensation is claimed, and after such notice of abandonment such land shall be excluded from the operation of the said Acts and of this Act: Provided, that if the Crown shall abandon its right after the claim shall have been referred to the Compensation Court, such abandonment shall be subject to such conditions as to payment of costs as the Court shall think fit.

VII. It is hereby declared and enacted that the Compensation Court has, and since the passing of of "The New Zealand Settlements Act, 1863, always has had full power and authority to determine

Limitation of
liability of
Trustees.

Application to
Supreme Court.

Preamble.

Short Title.

Continuance of
former Acts.
Power of Governor
to proclaim
districts not to
be exercised.

Power of Governor
to make regulations
for proceedings of Compensation Court.

Regulations to be
published in the Government
Gazette.

Claims to specify
particulars.

The Crown may
abandon land in
respect of which
compensation is
claimed.

Power of Compensation
Court.

for the purposes of the said Act of 1863, and the said Act of 1864 and this Act, whether any person or persons claiming compensation under the said Acts have committed any of the offences, or have committed any of the acts specified in the five sub-sections of the fifth section of the said Act of 1863.

VIII. All bills of costs and charges of attorneys, solicitors' agents, and other persons engaged in prosecuting compensation claims, whether in the Compensation Courts or by arbitration, shall, before payment, be taxed by some officer to be appointed in that behalf by the Compensation Court, and such sum only as shall be allowed on such taxation shall be paid or allowed; and any money paid without or in excess of such taxation may be recovered from the person to whom the same shall have been paid.

IX. In any case of claim for compensation, the Colonial Secretary on behalf of the Crown and the claimant may agree that land shall be given, either wholly or in part, by way of compensation for such claim in lieu of money, and land may be so granted accordingly out of any land within the same Province, subject to the provisions of the said Acts.

X. In every case of claim for compensation the Colonial Secretary may, at any time before judgment or award, elect to give the claimant land in lieu of money out of any land within the Province subject to the provisions of the said Acts, and in every such case the Compensation Court, or the arbitrators or umpire as the case may be, shall determine the extent of land so to be given as compensation, and land may in such case be granted accordingly.

XI. Instead of the periods of six months and eighteen months prescribed by the seventh section of the said Act of 1863 for preferring claims for compensation, the period for such purpose shall be a period not less than three months nor more than six months, to be prescribed by the Compensation Court in each case, and the Court shall not proceed to hear or adjudicate upon claims so preferred till the expiration of the period so prescribed, and due notice of such period for preferring claims shall be given by direction of the Court by advertisement in public newspapers, or otherwise by public notice in the Maori and English language: Provided, that if any person shall, after the expiration of such prescribed period but within the period of twelve months thereafter, prefer to the Colonial Secretary a claim for compensation, it shall be lawful for the Colonial Secretary, if he shall think fit but not otherwise, to refer such claim to the Court for adjudication, and in such case the Court shall hear and determine such claim accordingly.

XII. Every order of the Compensation Court and every award shall be made in writing, and shall be transmitted to the Colonial Secretary, and shall be in such form and shall specify and be accompanied with such plans and particulars as shall be from time to time prescribed by regulations to be made as aforesaid.

XIII. No claimant shall be entitled to require payment or transfer of compensation, whether in money or land, until the expiration of three months after the judgment or award shall have been transmitted to the Colonial Secretary.

XIV. The 14th and 15th clauses of the Act of 1863 are hereby repealed, and in lieu thereof it is hereby enacted as follows:—

Judgments or awards of compensation in money or land, made under or in pursuance of the said Acts or of this Act, may be satisfied by the Governor in the case of money by payment out of the general ordinary revenue of the Colony, subject to the provisions herein-after contained for making Treasury Bills payable as cash, and in case of land, by grant of such land in accordance with the provisions of this Act.

XV. Compensation in money shall be paid, and in land shall be granted, to some person or persons to be specifically named in the order or award, and such payment or transfer shall be an effectual discharge to the Crown in respect of all claims in respect of which such compensation shall be made or granted. Provided that the Governor may direct that money or land awarded as compensation shall be invested for the benefit of the parties entitled, upon such trusts and in such manner and subject to such conditions as he shall think fit.

XVI. The 17th and 18th sections of the said Act of 1863 are hereby repealed, and in lieu thereof it is enacted as follows:—

The order and manner in which land shall be laid out for sale and sold under the provisions of the said Act shall be in the discretion of the Governor, who shall have power to cause such land or any part thereof to be laid out for sale and sold from time to time, in such manner, for such consideration, in such allotments, whether town, suburban, or rural or otherwise, as he shall think fit, and subject to such regulations as he shall with the advice of his Executive Council from time to time prescribe in that behalf: Provided that no land shall be sold except for cash, nor at a less rate than ten shillings per acre.

XVII. If the Governor shall think it expedient to grant land taken under the Act of 1863 to persons, subject to conditions for the performance of military or police services, it shall be lawful for him with such advice as aforesaid, to grant to any person or persons whomsoever, any land out of the land taken as aforesaid accordingly, and either with or without consideration in money, subject to conditions for the performance of Military or Police services, and the land so granted shall be held, dealt with, and disposed of, subject to such conditions for the performance of such services as shall be so fixed by the Governor and agreed to by the grantees. And such conditions shall be binding on the grantees, and all lessees, sub-lessees, sub-grantees, and occupants of the land granted, and may be enforced according to the terms thereof and according to the provisions of this Act, and shall bind and oblige the grantees, lessees, sub-grantees, and occupants of such land to the performance of such Military or Police service, for such period and in such manner as shall be specified in such conditions. And the Governor may by such conditions provide that in addition to all liabilities incurred by way of contract the grantees, lessees, sub-lessees, sub-grantees, and occupants of such land shall be liable to penalties for,

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Bills of costs, &c., to be taxed by any officer appointed by the Compensation Court.

Parties may agree that compensation shall be in land.

The Crown may elect to give compensation in land.

Power of appeal.

Form of order and award.

Payment or transfer not to be required till after a lapse of three months.

Repeal of 14th and 15th clauses of the Act, 1863.

Provision in lieu thereof.

Payment or transfer to be made to persons specifically named.

Governor to have the power of laying out land for sale.

Governor may grant land subject to conditions of military and other services.

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ZEALAND.

Application of
proceeds of sale.

breach or non-performance of such conditions, but no penalty shall exceed one hundred pounds; and all such penalties shall be recoverable in a summary way before two or more Justices of the Peace.

XVIII. The nineteenth section of the said Act of 1863 is hereby repealed, and in lieu thereof it is enacted as follows:

Money to arise from the sale and disposal of land in each Province under the said Acts of 1863 and 1864 and this Act, shall be paid to the Colonial Treasurer, and shall be applied in such manner as the General Assembly shall from time to time by any Act passed in that behalf direct.

(SEAL.)

NEW ZEALAND.

ANNO VICESIMO NONO VICTORIÆ REGINÆ.—No. 71.

ANALYSIS.

Title.

- Preamble.
- 1. Short title.
- 2. Interpretation.
- 3. Repeal of Acts and Ordinance.
- 4. Inchoate proceedings to be completed under this Act.

I. CONSTITUTION OF COURT.

- 5. Native Land Court.
- 6. Constitution of Court.
- 7. Salaries of Judges.
- 8. Salaries of Assessors.
- 9. Travelling allowances.
- 10. Other officers.
- 11. Seal of Court.
- 12. One Judge and two Assessors empowered to act judicially.
- 13. Administrative business and notices.
- 14. Rules may be made.
- 15. Power to summon witnesses and punish for contempt.

II. JURIES.

- 16. Juries may be ordered.
- 17. Mode of forming a jury.
- 18. Challenges.
- 19. Juror's declaration.
- 20. Verdict.

III. JURISDICTION AND DUTIES OF THE COURT.

(1.) Investigation of Titles.

- 21. Claim to be made by Native.
- 22. Notice of claim and of sitting of Court thereon.
- 23. Court to try the claim and order a certificate of title or refuse to do so.
- 24. Two or more certificates may be ordered under one claim.
- 25. Land to be surveyed and marked off previously to order of certificate.
- 26. Form and authentication of certificate.
- 27. Power to Court to make interlocutory order.
- 28. Court may recommend to the Governor restrictions on alienability.
- 29. Certificate to be forwarded to Governor.

(2.) Succession to Hereditaments.

- 30. Court may ascertain proper representatives of owner dying intestate.
- 31. Sittings of Court to be notified.
- 32. Court to make order.
- 33. Form and authentication of order.
- 34. Effect of order.
- 35. Order to be recorded and may be registered.

(3.) Intertribal Boundaries.

- 36. Tribes desiring intertribal boundaries to be defined may apply to the Court.
- 37. Court may inquire and decide.
- 38. Boundary line to be surveyed.
- 39. Effect of order.

(4.) Adjudication generally respecting Native Land.

- 40. Court to determine references from Supreme Court.
- 41. Effect of decision.
- 42. Claims to Native Land may be heard.
- 43. And certificates issued to claimant thereupon.
- 44. Effect of such certificate.
- 45. Similar jurisdiction as to succession to Native Land.

IV. CROWN GRANTS.

(1.) On Certificate of Title.

- 46. Grants to be issued.
- 47. Purchaser of part of land in a certificate may obtain a Crown Grant.
- 48. Effect of grants.
- 49. Copy of grants to be sent to Commissioner of Crown Lands.

(2.) Subdivision of Hereditaments.

- 50. On application of owners of hereditaments Court may order a subdivision.
- 51. Surrender of old grant need not be formal.
- 52. Record of original grant and grant to be cancelled.
- 53. Effect of cancelling.
- 54. Effect of new grant.

V. DUTIES AND FEES.

(1.) Duties.

- 55. Duties to be paid.
- 56. Duties to be paid into Treasury.
- 57. In case of dispute Chief Judge to decide.
- 58. Transfer invalid until duty paid.
- 59. Penalty on expressing in Deed less than the consideration money.
- 60. Penalty on persons falsifying consideration money.
- 61. Registrar may require oath to be taken of amount of consideration money.

(2.) Fees.

- 62. Fees payable.
- 63. Payment may be postponed and secured.
- 64. Costs may be awarded.

VI. APPROPRIATION OF FUNDS.

- 65. Duties, &c., to be paid into Treasury.
- 66. Appropriation thereof.

VII. SURVEYS.

- 67. Surveyors to be licensed.
- 68. Court may order grant to be delivered to surveyor.
- 69. In case of dispute Court may decide.
- 70. Costs of surveys may be apportioned.
- 71. Survey may sometimes be dispensed with.

VIII. MISCELLANEOUS PROVISIONS.

- 72. Notices, &c., emanating from Court.
- 73. Person named in Order to receive a copy gratis.
- 74. Instrument to be interpreted and executed before Judge or a Justice.
- 75. Contracts for purchase of Native Land void.
- 76. Reserves for Roads, &c.
- 77. Advances may be made to Natives for surveys.
- 78. Act not to interfere with Land Claims Acts.
- 79. Nor with "Native Districts Regulation Act, 1858," or "Native Circuits Courts Act, 1858."
- 80. Nor with New Zealand Loan Act, 1858.

IX. APPEAL.

- 81. Governor in Council may order a re-hearing.

X. EXTRAORDINARY PROVISIONS.

- 82. Manawatu Block excepted from this Act.
 - 83. Agreements *in esse* for cession of territory may be completed.
- Schedule.

Title.

AN ACT to amend and consolidate the Laws relating to Lands in the Colony in which the Maori Proprietary Customs still exist, and to provide for the ascertainment of the Titles to such Lands, and for regulating the Descent thereof, and for other Purposes. [30th October 1865.]

Preamble.

WHEREAS it is expedient to amend and consolidate the laws relating to lands in the Colony which are still subject to Maori proprietary customs, and to provide for the ascertainment of the persons who

according to such customs are the owners thereof, and to encourage the extinction of such proprietary customs, and to provide for the conversion of such modes of ownership into titles derived from the Crown, and to provide for the regulation of the descent of such lands when the title thereto is converted as aforesaid, and to make further provisions in reference to the matters aforesaid :

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority thereof, as follows :—

I. The Short Title of this Act shall be “The Native Lands Act, 1865.”

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Short Title.

II. In construing this Act the words and phrases following shall have the meanings hereby attached to them respectively, unless there be something in the context or the subject matter repugnant to or inconsistent with such meanings :—

Interpretation.

“Native” shall mean an aboriginal Native of the Colony of New Zealand, and shall include all half-castes and their descendants by Natives.

“Native Land” shall mean lands in the Colony which are owned by Natives under their customs or usages.

“Hereditaments” shall mean land the subject of tenure, or held under title derived from the Crown, or any estate interest therein or arising thereout ;

“Registrar of Deeds” shall mean the Registrar of Deeds for the district in which the hereditaments conveyed or dealt with are situate.

III. “The Native Land Purchase Ordinance, Session VII., No. 19,” “The Intestate Natives Succession Act, 1861,” “The Native Lands Act, 1862,” and “The Native Lands Act Amendment Act, 1864,” are hereby repealed.

Repeal of Acts and Ordinances.

IV. Provided always, that proceedings heretofore commenced and now in progress under any of the said Acts may be continued and perfected under and in manner provided by this Act, so far as the circumstances of each case are compatible with the objects and provisions of this Act.

Inchoate proceedings to be completed under this Act.

I.—CONSTITUTION OF COURT UNDER THIS ACT.

V. The Native Land Court of New Zealand (herein-after called the Court) shall be a Court of Record for the investigation of the titles of persons to Native Land, for the determination of the succession of Natives to Native Lands, and to hereditaments of which the Native owner shall have died intestate, and for the other purposes herein-after set forth.

I. CONSTITUTION OF COURT.
Native Land Court.

VI. The Court shall consist of one Judge, to be from time to time appointed by the Governor by letters patent under the public seal of the Colony, who shall be called the Chief Judge, and of such other Judges as shall in like manner be from time to time appointed, who shall hold their office during good behaviour, together with such Assessors, being aboriginal Natives of New Zealand, as the Governor shall from time to time appoint by warrant under his hand, who shall hold their office during pleasure : Provided always, that if it shall appear necessary at any time to reduce the number of Judges it shall be lawful for the Governor in Council to remove any Judge from his office.

Constitution of Court.

VII. Salaries shall be paid to the Chief Judge at the rate of eight hundred pounds per annum, and to other Judges at the rate of not more than six hundred pounds per annum, as the Governor shall in each case and from time to time determine : Provided always, that if any of them do or shall hold any other office under the Crown to which emolument is or shall be attached, the Governor may at his discretion cause the salaries payable to them respectively under this Act to be diminished by the amount of other emolument so received, or he may partially reduce such salaries respectively to such amount as he shall think fit.

Salaries of Judges.

VIII. The salaries to be paid to Assessors may be variable, and shall be determined by the Governor at his discretion.

Salaries of Assessors.

IX. Allowances shall be paid to the Chief Judge, Judges, and Assessors when travelling in performance of their duties under this Act at such rates as the Governor shall from time to time determine.

Travelling allowances.

X. It shall be lawful for the Governor from time to time to appoint such clerks, interpreters, and other officers as may be required for the conduct of the business of the Court throughout the Colony, at such salaries as he shall think fit, who shall severally hold office during the Governor's pleasure.

Other officers.

XI. The Court shall have in the custody of each Judge a seal of the Court for the sealing of all documents issued by the Court and requiring to be sealed.

Seal of Court.

XII. Every Judge of the Court, acting with at least two of the Assessors, shall have the same jurisdiction and may exercise the same powers as the Court in all judicial matters whatever under this Act : Provided always, that there shall be no decision or judgment on any question judicially before the Court unless the Judge presiding and two Assessors concur therein.

One Judge and two Assessors empowered to act judicially.

XIII. All administrative business of the Court shall be carried on by the Chief Judge, subject to the provisions of this Act ; and whenever in this Act notice is required or permitted to be given, or application to be made to the Court, such notice or application may be given or made to any Judge.

Administrative business and notices.

XIV. It shall be lawful for the Chief Judge from time to time to make rules, and the same from time to time to revoke or alter, for regulating the sittings, practice, forms, and procedure of the Court, and for the government of all surveyors and other officers officially connected with the Court, and all rules so made or altered shall, when approved by the Governor, have the same force and effect as if they had been inserted in this Act.

Rules may be made

XV. The Court shall have the same power of summoning and compelling the attendance of witnesses and the production of documents, and of punishing persons duly summoned for non-attendance or for refusing to give evidence or produce documents, and the same means of enforcing the observance of order, and of its rules during its sittings, and of punishing for contempt, as is or may be possessed by the Supreme Court or any Judge thereof.

Power to summon witnesses and punish for contempt.

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ZEALAND.II. JURIES.
Juries may be
ordered.Mode of forming
a jury

Challenges.

Juror's
declaration.

Verdict.

III. JURISDIC-
TION AND
DUTIES OF THE
COURT.(1.) *Investiga-
tion of Titles.*
Claim to be made
by Native.Notice of claim
and of sitting of
Court thereon.Court to try the
claim.And order a cer-
tificate of title.or refuse to do
so.Two or more
certificates may
be ordered under
one claim.Land to be sur-
veyed and
marked off pre-
viously to order
of certificate.Form and
authentication
of certificate.Power to Court
to make interlo-
cutory order.Court may
recommend to
the Governor
restrictions on
alienability.Certificate to be
forwarded to
Governor.(2.) *Succession
to Heredita-
ments.*
Court may ascer-
tain proper
representatives

II.—JURIES.

XVI. In any matter brought before the Court under this Act for judicial investigation it shall be in the discretion of the Court, on its own motion, or on the request of any party interested, made at any time before the commencement of the hearing, to order that the matter shall be tried by a jury, and the matter shall, if necessary, be adjourned until a jury can be formed.

XVII. Juries for the trial of matters under this Act shall be formed in accordance with regulations to be issued by the Governor.

XVIII. Each party shall be entitled to challenge peremptorily six persons selected as jurors.

XIX. Every juror shall make a declaration before the Judge according to the form following, either in the English or the Maori tongue:—

I, A. B., do solemnly declare that I will well and truly try the issue between the parties, and a true verdict give according to the evidence, without fear, favour, or affection.

Ko Ahau ko A. e tino ki pono ana e ata kimi marire ahau i te tuturutanga i runga i te tika me te pono o te take e takoto ana ki waenga o tenei hunga Maku hoki e whakapuaki te tino toitutanga o toku Whakaaro i runga i te tikanga o nga kupu a nga kai-korero me te kore o te wehi o toku ngakau me te kore o toku Whakaaroaro ki te tangata.

XX. Every jury shall be required to give an unanimous verdict, and if a jury shall be unable to agree upon a verdict within eighteen hours the jurors may be discharged at the discretion of the Court, and in that case the matter shall stand over until the next sittings of the Court, at the same or an adjacent place, as the Court shall order.

III.—JURISDICTION AND DUTIES OF THE COURT.

(1.) *Investigation of Titles.*

XXI. Any Native may give notice in writing to the Court that he claims to be interested in a piece of Native Land, specifying it by its name, or otherwise describing it, and stating the name of the tribe or the names of the persons whom he admits to be interested therein with him, and that he desires that his claim should be investigated by the Court, in order that a title from the Crown may be issued to him for such piece of land.

XXII. Upon the receipt of such application notice thereof may be given by the Court, and circulated in such manner as shall give due publicity thereto, and in the same or in a subsequent notice shall be notified the day and the place when and where the Court will sit for the investigation of the said claim.

XXIII. At such sitting of the Court the Court shall ascertain, by such evidence as it shall think fit, the right, title, estate, or interest of the applicant and of all other claimants to or in the land respecting which notice shall have been given as aforesaid, and the Court shall order a certificate of title to be made and issued, which certificate shall specify the names of the persons or of the tribe who, according to Native custom, own or are interested in the land, describing the nature of such estate or interest, and describing the land comprised in such certificate, or the Court may in its discretion refuse to order a certificate to issue to the claimant or any other person: Provided always, that no certificate shall be ordered to more than ten persons; provided further, that if the piece of land adjudicated upon shall not exceed five thousand acres such certificate may not be made in favour of a tribe by name.

XXIV. It shall be lawful for the Court to order the making and issue of two or more certificates respecting any piece of land comprised in one claim; if they shall find on investigation that there is more than one owner or set of owners thereof, who desire that their respective estates or interests therein shall be divided, or that the land shall be apportioned.

XXV. Subject as herein-after mentioned, the Court shall not proceed to a decision upon any such claim, or make any order for a certificate of title, unless there shall be produced before the Court during the investigation a survey of the lands the subject of the claim, made by a surveyor duly licensed by the Governor, on such a scale and in all respects so prepared as shall be provided in the rules aforesaid, and unless it shall be proved to the Court that the boundaries of such land have been distinctly marked on the ground.

XXVI. Such certificate shall be in the form in the Schedule to this Act, and shall have drawn thereon, or annexed thereto, an accurate plan of the land comprised therein, and shall be authenticated by the signature of the presiding Judge, or of the Chief Judge, and the seal of the Court, and shall be recorded in a book to be kept for the purpose.

XXVII. In the case of any claim the Court may make any interlocutory or any final order which in its judgment may be necessary and just.

XXVIII. It shall be lawful for the Court during the investigation to take evidence as to the propriety, or otherwise, of placing any restriction on the alienability of the land comprised in any claim, or of any part thereof, or of attaching any condition or limitation to the estate to be granted, and to report its recommendation on the premises to the Governor, which recommendation (if any) with any reasons therefor which the Court shall think proper to add, shall be appended to the certificate.

XXIX. The certificate duly authenticated and recorded as aforesaid, with such recommendation as mentioned in the last preceding section (if any) appended thereto shall be transmitted to the Governor.

(2.) *Succession to Hereditaments.*

XXX. In case any Native shall die, or shall have died, seized or entitled at law, or in equity of or to any hereditaments, and without having made a valid disposal of such hereditaments by will or settle-

ment, it shall be lawful for the Court upon the application of any person claiming to be interested in such hereditaments to inquire into the matter, and ascertain by such evidence as it may think fit, who according to law, as nearly as it can be reconciled with Native custom, ought in the judgment of the Court to succeed to the hereditaments whereof or whereto such person may have died so seized or entitled as aforesaid, or to any part thereof.

XXXI. Such investigation shall be made in open Court, at some convenient time and place, to be notified in manner herein-before prescribed with reference to sittings of the Court, for the purpose of investigating titles, and subject to such rules as shall be made by the Chief Judge under the power herein-before contained.

XXXII. The Court shall thereupon make an order setting forth the death of the person intestate, the description of the hereditaments of or to which he died seized, or possessed, or entitled, and the names and descriptions of the persons who in its judgment ought to succeed to the hereditaments as aforesaid.

XXXIII. Every such order shall be in a form to be prepared by the Chief Judge, and shall be signed by the Judge presiding at the investigation, or by the Chief Judge, and shall be authenticated with the seal of the Court.

XXXIV. Every such order shall have the same legal effect and consequences as a will duly made and executed according to the forms of English law, and shall bar the estates, rights, and interests of Her Majesty accruing by escheat for want of heirs and of the heir-at-law of the Native so dying, or having died, but without prejudice to all other estates, rights, and interests of Her Majesty or any other person.

XXXV. Such order shall be entered or recorded in a book to be kept for the purpose by the Court, and may on the payment of the usual fee be registered in the proper registry of deeds, wherein it shall be styled a "Testamentary Order."

(3.) *Definition of Intertribal Boundaries.*

XXXVI. If two or more tribes or sections of a tribe of Natives shall desire that the dividing line between the Native Land owned by them shall be defined by the Court it shall be lawful for one or both of such tribes to apply to the Court stating such desire, and describing or referring to the boundary line which it is desired should be defined.

XXXVII. The Court shall refer every such application to the Governor, and if it shall appear to the Governor in Council that it would be fit and proper that such boundary line should be so defined, and that no political difficulty is likely to arise by reason of entertaining the question, it shall be lawful for the Court to give notice of the application aforesaid to the other tribe (if only one shall have joined in such application), and in the same or in a subsequent notice may state the day and place when and where the matter will be inquired into; and the Court may take further judicial proceedings for the investigation of the matter aforesaid, and may make a provisional or conditional order thereupon, and may afterwards make a final order defining such boundary line after the same shall have been surveyed, as herein-after provided, in such manner as to the Court shall seem just.

XXXVIII. Subject as herein-after provided, no such final order shall be made until the boundary line shall have been surveyed and mapped by a surveyor licensed as aforesaid at the expense of the applicant, or at the joint expense of the tribes (as may be decided by the Court), and the same shall have been well and effectually marked off on the ground.

XXXIX. Such order shall be deemed to be conclusive as to the boundary and dividing limits of the lands therein referred to in all future proceedings of the Court respecting the same or adjoining lands.

(4.) *Adjudication generally respecting Native Land.*

XL. If any action, or any issue in any action of fact or of Maori custom or usage relating to Native Land shall be referred to the Court by an order of the Supreme Court, the Court shall forthwith hear and determine the same, and shall forward its decision thereon to the Registrar of the Supreme Court for the district from whence the reference shall have come.

XLI. Such decision shall be received by the Supreme Court as the authoritative determination of the question of fact or of Maori custom or usage so referred, and shall be dealt with in the same manner as, and shall have the effect of, a verdict of a jury in the Supreme Court.

XLII. Any Native may give notice to the Court in writing that he claims to be interested in a piece of Native Land, specifying it by its name, or otherwise describing it, and stating the names of the persons whom he admits to be interested therein with him, and that he desires that his claim thereto should be investigated by the Court.

XLIII. If upon the publication by the Court of such claim in manner to be provided by the rules aforesaid, the claimant and the opponents (if any) shall agree and testify the same in such manner as the Court shall think satisfactory to submit to the decision of the Court touching the validity of the said claim, or to any other decision which the Court may come to respecting the same, either in favour of the claimant or of any other person, the Court may proceed to hear and determine the same in the manner and subject to the provisions herein-before contained with respect to investigation of titles; Provided always, that the certificate or certificates to be issued thereupon, shall be issued and delivered to the person named therein as entitled: Provided further, that if the Court shall recommend that any condition or limitation as herein-before provided shall be attached to any such certificate, the Court shall not issue the same until the Governor shall have approved or disapproved of such conditions or limitations, and shall have caused so much thereof as he shall think fit to be indorsed on such certificate.

NEW
ZEALAND.

of owner dying
intestate.

Sittings of Court
to be notified.

Court to make
order.

Form and
authentication
of order.

Effect of order.

Order to be re-
corded and may
be registered.

(3.) *Intertribal
Boundaries.*

Tribes desiring
intertribal
boundaries to be
defined may
apply to the
Court.

Court may in-
quire and decide.

Boundary line to
be surveyed.

Effect of order.

(4.) *Adjudica-
tion generally
respecting
Native Land.*

Court to deter-
mine references
from Supreme
Court.

Effect of de-
cision.

Claims to Native
Land may be
heard.

And certificates
issued to claim-
ant thereupon.

NEW
ZEALAND.Effect of such
certificate.Similar juris-
diction as to suc-
cession to land.IV. CROWN
GRANTS.(1.) *On certi-
cate of Title.*Grants to be
issued.Purchaser of
part of land in a
certificate may
obtain Crown
Grant.

Effect of grants.

Copy of grants to
be sent to Com-
missioner of
Crown Lands.(2.) *Subdivision
of Heredita-
ments.*On application of
owners of here-
ditaments Court
may order a sub-
division.Surrender of old
grant need not
be formal.Record of origi-
nal grant and
grant to be can-
celled.Effect of cancel-
ling.Effect of new
grant.

XLIV. Such certificates shall in all Courts of Law in the Colony be conclusive as to the persons who own the Native Land described therein, and may be registered in the proper registry of deeds.

XLV. Any Native who may claim to have a right by Native custom to succeed to the ownership of any Native land, or of any part thereof, whereof a Native may have died possessed, may apply to the Court, stating in writing the circumstances of his claim, and requesting that his right in the premises may be heard and decided by the Court, and the like proceedings having been had, and the like precautions taken as before specified, with respect to succession to hereditaments, the Court may hear and determine such claim, and may issue a certificate setting forth the decision of the Court thereupon, which shall in all Courts of Law be conclusive and final as to the questions therein stated to have been decided.

IV. CROWN GRANTS.

(1.) *On Certificate of Title.*

XLVI. On the receipt by the Governor of the aforesaid certificate of the Court, made in favour of persons, it shall be lawful for him to cause a grant from the Crown to be made and issued under the public seal of the Colony, of the lands comprised in the certificate to the persons named therein, for the estate or interest therein described or mentioned, and if the certificate shall have been accompanied with any such recommendation of the Court as aforesaid, it shall be lawful for the Governor to insert in the grant any such restrictions on alienability, limitations, or conditions, or some of them, as may be expressed in such recommendation.

XLVII. If any person shall by deed, executed and attested as hereafter provided, purchase or otherwise acquire the estate or interest of the Native owners of and in any land parcel of any Native Land comprised in any such certificate of title not containing any restrictions, conditions, or limitations, it shall be lawful for the Governor to cause a grant from the Crown to be made and issued of the land comprised in such deed to such purchaser in fee simple: Provided that such deed shall be delivered up and surrendered, as hereafter provided with respect to Crown Grants, on subdivision of hereditaments.

XLVIII. Such grants shall be as valid and effectual, to all intents and purposes, as grants made by the Governor of waste or demesne lands of the Crown, and as if the land comprised therein had been ceded by the Native proprietors to Her Majesty, and shall bar all estates, rights, titles, and interests of all persons whomsoever therein, except the grantees named therein, their heirs, devisees, assigns, or persons named in any testamentary order under the provisions herein-before contained, and shall vest in the persons therein named such estate or interest in the lands therein described as shall be expressed therein, subject, nevertheless, to such restrictions, limitations, and conditions (if any), as shall be contained therein, in manner aforesaid, and shall be conclusive as to the particulars, limits, and extent of such land, and as to the proprietors thereof, and shall in all other respects have the legal effect and consequences of an ordinary grant from the Crown.

XLIX. A copy of each such grant shall be forwarded by the Secretary for Crown Lands or other proper officer to the Commissioner of Crown Lands in the Province in which the land granted is situated.

(2.) *On Subdivision of Hereditaments.*

L. If under the powers herein-before conferred upon him, the Governor shall make and issue a grant to more than five persons who shall be desirous that any subdivision shall be made of the hereditaments included in the grant for the purpose of effecting a partition thereof among the owners thereof, and if no sale, lease, or other disposition shall have been made of the hereditaments comprised therein, or of any part thereof, such persons may apply to the Court to make such subdivision, and on the surrender of the original grant to the Crown, the Court may in its discretion proceed to take evidence, and to order such subdivision or any other subdivision agreeable to the parties, and may order new certificates to be issued according to the plan of such subdivision and the provisions herein-before contained with respect to the proceedings of the Court on the issue of original certificates and with respect to the making and issue of original Crown Grants, shall apply to the proceedings of the Court on the issue of the new certificates, and to the making and issue by the Governor of new Crown Grants in lieu of the surrendered Crown Grant: Provided always, that it shall not be lawful for the Governor to insert in any such new Crown Grant any restrictions, limitations, or conditions in cases where the original Crown Grant was not subject to any such, or in extension or enlargement thereof if any such there were, but he may make and issue such new Crown Grants or any of them without any restrictions, limitations, or conditions, if the Court shall have so recommended, although the surrendered grant may have been subject to restrictions, limitations, or conditions.

LI. The surrender before mentioned may be legally and effectually made by the delivery up of the original grant, and by any writing which shall in the judgment of the Court sufficiently show the intention of the surrenderers if signed by the persons named in the original grant, or their devisees, or other persons who at the time being shall be the representatives under the provisions herein-before contained of any of them who may have died intestate.

LII. On the receipt by the Secretary for Crown Lands or other proper officer of such original grant and surrender as before mentioned, he shall cancel the grant and the record thereof, authenticating such cancelling with his signature and stating the reason thereof.

LIII. The effect of such cancelling shall be the same as if the grant had been absolutely repealed by *scire facias*.

LXIV. Every such new grant shall have the same legal effect and consequences as are herein-before provided with respect to grants issued under this Act.

V.—DUTIES AND FEES.

(1.) *Duties.*NEW
ZEALAND.V. DUTIES AND
FEES.—
(1.) *Duties.*
Duties to be
paid.

LV. Upon each first sale or other disposal, except by mortgage, of any hereditaments or Native Land, there shall be due to Her Majesty by the purchaser, lessee, or other person in whom the new estate is intended to be vested, a duty or sum after following rates, that is to say:—

By a purchaser of an absolute estate in fee simple, ten per cent. upon the amount of the consideration or purchase money.

By any lessee a sum equal to ten per cent. upon the amount of the rent in each year, together with ten per cent. upon the amount of any fine, premium, or foregift contained in or paid on account of the lease.

By every annuitant or other person acquiring any easement, estate, or interest, other than before referred to in any hereditaments or Native Land, ten per cent. upon the amount of the consideration money paid or payable, or a sum equal to one year's annuity or annual payment, as the Registrar of Deeds shall determine, subject nevertheless to appeal to the Chief Judge under the provision herein-after contained.

Provided always, that if no consideration money or a nominal consideration money is expressed in the deed, the duty payable shall be calculated upon a valuation of the hereditaments or Native Land, or the part thereof conveyed or assured to be made by a valuer to be from time to time appointed for the purpose by the Registrar of Deeds.

LVI. The said duty shall be payable to the Colonial Treasurer, or to the Sub-Treasurer, on a certificate of the amount thereof signed by the Registrar of Deeds, and shall be passed to a separate account to be kept as hereafter provided, and the Colonial Treasurer or Sub-Treasurer shall indorse on the instrument a receipt under his hand for such duty.

Duties to be
paid into
Treasury.

LVII. Provided always, that if any dispute shall arise between the Registrar of Deeds and any person as to the amount of duty payable under the foregoing provisions, it shall be lawful for the Registrar of Deeds to apply to the Chief Judge either personally or by forwarding to him a copy of the instrument tendered for registration, with a statement explaining the transaction which it is intended to effectuate, and the Chief Judge shall then decide what amount of duty is payable in respect of such transaction, which amount the Colonial Treasurer or Sub-Treasurer shall then collect, and may recover as a debt due to Her Majesty from the person who tendered the instrument for registration, or from any person who would have acquired an estate or interest thereunder if the same had been duly registered.

In case of
dispute Chief
Judge to decide.

LVIII. No transfer, conveyance, lease, or other instrument, except a mortgage, disposing of hereditaments or of Native Lands on account of the sale, letting, or other disposition of which duty is payable under the provisions before contained shall be valid or have any effect at law or in equity except for the purpose of rendering persons liable to the payment of duty under this Act unless and until a receipt by the Treasurer or Sub-Treasurer for the duty payable shall have been indorsed thereon.

Transfer invalid
until duty paid.

LIX. In every such transfer, conveyance, lease, or other instrument of disposition, the full purchase or consideration money which shall be directly or indirectly paid or secured, or agreed to be paid, shall be truly expressed in the deed or instrument, or in the principal deed or instrument (if more than one), whereby the hereditaments or Native Land shall be dealt with, and if the full purchase or consideration money shall not be truly expressed as aforesaid, the purchaser, lessee, or other person acquiring any easement, estate, or interest therein (except in the case of voluntary deed aforesaid), and also the seller, shall each and separately forfeit a penalty not exceeding fifty pounds, and the purchaser or lessee shall also as a separate debt be charged with and liable to the payment of three times the amount of the duty which would have been payable for such deed or instrument as aforesaid in respect of the full purchase or consideration money in case the same had been truly expressed therein, which triple duty may be sued for as a debt due to Her Majesty by the Colonial Treasurer or Sub-Treasurer in any Court of competent jurisdiction, and which said penalty may be recovered by him in a summary way, and shall both be paid into the Colonial Treasury to the account aforesaid.

Penalty on
expressing in
deed less than
the considera-
tion money.

LX. Every solicitor, barrister, or other person who shall be employed in or about the preparing of any such deed or instrument of disposition, or who shall be employed for any of the parties thereto in anywise relating to the transaction therein mentioned, who shall knowingly insert and set forth, or cause to be inserted and set forth in or upon any such deed or instrument any sum less than the full and true purchase or consideration money directly or indirectly paid or secured, or agreed to be paid, or shall in anywise aid in the doing thereof respectively, shall for every such offence forfeit the sum of five hundred pounds, to be recovered in a summary way, and any solicitor or barrister so offending and being lawfully convicted thereof shall also from thenceforth be disabled to practise as a solicitor or barrister.

Penalty on
persons falsify-
ing consideration
money.

LXI. When any such deed or instrument is tendered to a Registrar of Deeds for registration, he may require the solicitor or person tendering the same to make an affidavit that to the best of his knowledge and belief the full purchase or consideration money for the transaction is truly expressed therein, and he may impound the deed or instrument tendered and require the attendance of any person acquiring or purporting to acquire any estate or interest thereunder, and may require him to make an affidavit as aforesaid, and may refuse to register such deed or instrument until one or all of such persons shall have attended him at his office and made the said affidavit, and the Registrar of Deeds may administer the oaths for this purpose, and any person swearing falsely under this provision shall be deemed guilty of wilful and corrupt perjury, and shall, being lawfully convicted of the said offence, be liable to be imprisoned and kept to hard labour for a term not exceeding two years.

Registrar may
require oath to
be taken of
amount of
consideration
money.

(2.) Fees.

Fees. LXII. It shall be lawful for the Chief Judge, or the Judge (as the case may be), in his discretion, to demand and take fees according to the Schedule following, or such of them as he may think fit, that is to say:—

Fees payable.

	£	s.	d.
On investigation of any claim or trial of any matter	-	-	1 0 0
For every day occupied therein after the first	-	-	1 0 0
By opponent or counter claimant	-	-	1 0 0
Examination of plan not exceeding	-	-	1 0 0
Testamentary order	-	-	1 0 0
Certificate of title	-	-	1 0 0
Crown Grant	-	-	1 0 0
Opinion of Chief Judge under section LVII.	-	-	1 0 0

Payment may be postponed and secured.

Costs may be awarded.

VI. APPROPRIATION OF FUNDS.
Duties, &c. to be paid into Treasury.

Appropriation thereof.

VII. SURVEYS.

Surveyors to be licensed.

Court may order grant to be delivered to surveyor.

In case of dispute Court may decide.

Costs of surveys may be apportioned.

Survey may sometimes be dispensed with.

VIII. MISCELLANEOUS PROVISIONS.

Notices, &c. emanating from Court.

VI.—APPROPRIATION OF FUNDS.

LXV. All penalties and forfeitures made payable under this Act, and all duties, fees, and other moneys due (except registration fees) to Her Majesty hereunder, shall be paid into the Colonial Treasury by the person collecting or receiving the same; and the Colonial Treasurer shall open and keep an account to be called "The Native Land Court Account," wherein shall be regularly set forth the sums of money received and paid by him under the authority of this Act.

LXVI. The funds so received by the Colonial Treasurer shall be chargeable, in the first place, with the salaries of the Judges and other officers, and the expenses of carrying this Act into execution, and the balance after payment of such salaries and expenses shall be Territorial Revenue.

VII.—SURVEYS.

LXVII. It shall not be lawful for the Court in any judicial proceeding to receive in evidence or recognize any surveys of lands not made by a surveyor authorized by the Governor by warrant under his hand to survey lands under this Act. Provided that the Court may recognize and receive in evidence at its discretion surveys of lands ceded to the Crown, and made by officers of the Government, and official surveys of lands which have been granted before the passing of this Act, notwithstanding that such surveys shall have been made by a surveyor not licensed under this Act.

LXVIII. In case it shall be made to appear to the Court that a surveyor who, on the request of a claimant to land, has made a survey, and produced a plan of such land before the Court at the investigation, has not been paid for such survey and plan, and if it shall be found on the investigation that a certificate of title should be issued in favour of such claimant, it shall be lawful for the Court to order that the Crown Grant issuable in pursuance of such certificate shall be delivered into the possession of such surveyor, who shall have a lien thereon, and may detain the same until his lawful charges, as aforesaid, shall have been paid.

LXIX. Provided always, that in any case whatever in which a dispute shall arise between any surveyor and his Native employers, either as to the amount of remuneration or as to the quality of the work done, or on any question whatever arising out of such employment, the Court may inquire into the case, and take evidence thereupon, and give such a decision in the premises as it shall deem just, which decision shall be final and binding on both parties.

LXX. Provided also, that if any person shall have made a claim to Native Land, and shall have procured at his own cost a proper survey of the same, and it shall be found on the investigation of such claim that other persons are, according to Native custom, entitled to the whole or to any portion of such land, it shall be lawful for the Court, in case they shall order that a certificate shall be made and issued in favour of such last-mentioned persons, to order also that the whole or a proportionate amount of the cost of the survey shall be paid by such persons, which amount shall be fixed by the Court.

LXXI. Provided nevertheless, that in any trial, investigation, or other proceeding under this Act, it shall be lawful for the Court, if it shall think fit so to do, to proceed with the trial, investigation, or other proceedings, and to hear and determine the same without any survey having been previously made, anything herein-before contained notwithstanding.

VIII.—MISCELLANEOUS PROVISIONS.

LXXII. All notices and other proceedings of any description whatsoever emanating from the Court shall be authenticated with the seal of the Court.

LXXIII. Any person named in any order as entitled to Native Land may receive gratis a copy of such order on application to the Court.

LXXIV. Every conveyance or other disposition of hereditaments or Native Land granted under this Act made by a Native to a person of European race, or to another Native, shall be interpreted to the conveyor or other disposer, and shall be executed by him in the presence of, and be attested by, a Judge or a Justice of the Peace, and shall have written thereon, or annexed thereto, a statutory declaration by the person so interpreting that his translation was correct, and was understood by such Native; and such declaration shall be made and taken before the said Judge or Justice of the Peace, and shall have the legal effect of a declaration made under the Imperial Statute 5 and 6 William IV., cap. 62.

LXXV. Every conveyance, transfer, gift, contract, or promise affecting or relating to any Native Land, in respect of which a certificate of title shall not have been issued by the Court, shall be absolutely void.

LXXVI. From and out of any land which may be granted under the provisions of this Act, it shall be lawful for the Governor at any time thereafter to take and lay off for public purposes one or more line or lines of road through the said lands, provided that the total quantity of land which may be taken for such line or lines of road shall not be more than after the rate of five acres in every one hundred acres: Provided that it shall be lawful for the Governor at any time by indorsement on the grant, or on a subsequent instrument of disposition, or by separate deed, to release any such right, and to discharge the land comprised therein from the said liability: Provided also, that nothing herein contained shall authorize the taking of any lands which shall be occupied by any buildings, gardens, orchards, plantations, or ornamental grounds: Provided always, that this power shall cease and determine at the expiration of ten years from the date of the Crown Grant.

LXXVII. The Governor may at the request of the Native proprietors cause maps and surveys to be made of any Native Lands, and may defray the costs thereof out of and charge the same against any fund specially appropriated to Native purposes, such costs to be repaid by the Native proprietors in such manner as the Governor in Council shall direct.

LXXVIII. Nothing in this Act contained shall interfere with the settlement of any claim arising out of dealings with the Natives prior to the fourteenth day of January eighteen hundred and forty, which may still be heard, determined, and settled in pursuance of any Act for the settlement of land claims, for the time being in force.

LXXIX. Nothing in this Act contained shall be construed to exempt any land which shall be granted or otherwise dealt with under the provisions hereof from the operation of "The Native Districts Regulations Act, 1858," or "The Native Circuit Courts Act, 1858," or any Acts amending the same or either of them for the time being in force until and so far only as the Native grantees, or their representatives determined under the provisions herein-before contained, shall have sold or otherwise parted with their estate or interest in any hereditaments comprised within any district constituted under the said Acts or any or either of them.

LXXX. Provided nevertheless, that all duty, penalties, and other moneys payable into the Colonial Treasury under the provisions of this Act after payment thereof of the salaries and expenses herein-before charged thereupon shall for the purposes of "The New Zealand Loan Act, 1856," be deemed and taken to be revenue arising from the disposal of Waste Lands of the Crown within the Colony of New Zealand, and shall be at all times hereafter chargeable with so much of the money borrowed and raised under the authority of the said Act as may at the time being remain unpaid, and with the interest thereon.

IX.—APPEAL.

LXXXI. The Governor in Council may order a re-hearing of any matter judicially heard before the Court under this Act before one or more Judges of the Court, and two or more Assessors as may be specified in the Order in Council ordering such re-hearing, and within such a period of time as may be limited in such order. And upon such order being made all proceedings theretofore taken by the Court in such matter shall be annulled and the case shall commence *de novo* and shall proceed in manner provided by this Act, with respect to matters of that character: Provided that no such order for a re-hearing shall be made after six months shall have elapsed from the date of the original decision by the Court.

X.—EXTRAORDINARY PROVISIONS.

LXXXII. And whereas by an Act of the General Assembly of New Zealand, intituled "The Land Orders and Scrip Act, 1858," it was provided that in certain cases within the Province of Wellington, holders of Land orders issued by the New Zealand Company and purporting to grant certain rights of selection should be entitled to select land in respect of such Land Orders within any blocks of land laid out by the New Zealand Company for selection at Manawatu or elsewhere within the said Province, whenever the Native title to such blocks should be extinguished, and by the same Act it was further provided, that if the Superintendent of the said Province should set apart or reserve out of any of the said blocks lands for a township or otherwise as in the said Act mentioned, then and in that case the holders of such Land Orders should be entitled to select land in respect thereof out of any land laid out as rural land within any district, the Native title whereto should at the time or within two years afterwards be extinguished. And whereas by reason of the indefinite extent over which the rights of selection so conferred as aforesaid may be held to run, disputes may hereafter arise as to how far such rights would interfere with the operation of this Act, and for the purpose of preventing such disputes it is expedient to define and limit the exercise of such rights in manner herein-after mentioned.

Be it enacted, that all rights of selection by the said Act conferred upon the holders of Land Orders of the New Zealand Company within the Province of Wellington shall be exercisable within the block of land called "The Manawatu Block,"

NEW
ZEALAND.

Persons named
in Order to re-
ceive a copy
gratis.

Instrument to
be interpreted
and executed
before Judge or
a Justice.

Contracts for
purchase of
Native Land
void.

Reserves for
roads, &c.

Advances may be
made to Natives
for surveys.

Act not to inter-
fere with Land
Claims Act.

Nor with
"Native Dis-
tricts Regula-
tion Act, 1858," or
"Native Circuit
Courts Act,
1858."

Nor with "New
Zealand Loan
Act, 1856."

IX. APPEAL.

Governor in
Council may
order a re-hear-
ing.

X. EXTRAORDI-
NARY PRO-
VISIONS.

Manawatu Block
excepted from
this Act.

NEW
ZEALAND.

Bounded by a line commencing at the mouth of the Ohau River, and passing with a bearing 99° to the Tararua and Ruahine Ranges, to the source of the Oroua River, thence by a line bearing 282° to the Rangitikei River, thence by the Rangitikei River to the sea coast, thence by the sea coast to the commencing point,

Whenever the Native title to the said block shall have been ceded to Her Majesty, and not otherwise or elsewhere, and the said block shall accordingly be and be deemed to have been excepted from the operation of this Act.

Agreements in
case for cession
of territory may
be completed.

LXXXIII. And whereas at various times agreements have been or may be hereafter made between the owners of Native Land or other persons interested therein on the one part, and officers duly authorized to enter into the same on the other part, for the cession of Native Land to Her Majesty.

Be it enacted, it shall be lawful for the Governor to refer any such agreement to the Court, and the Court shall investigate the title to and the interests in such land in the manner prescribed in this Act, and the Court shall make such orders either for the completion of the agreement upon such terms and conditions as the Court shall think fit, or for the apportionment of the land between the parties interested therein in such manner as the Court shall think equitable: Provided that all Native Lands in respect to which any such agreement shall be outstanding and incomplete at the time of the passing of this Act shall unless the Governor shall otherwise direct be excluded from the operation of this Act until the thirty-first day of December one thousand eight hundred and sixty-six.

Schedule.

SCHEDULE.

Certificate of Title ordered to be issued by the Native Land Court of New Zealand at a Court holden
at in the District of in the Province of on the day
of 186 .

District of
Province of

In the matter of a parcel of land at
in the District of
in the Province of
called

To all to whom these presents shall come it is hereby certified that , owner according to Native custom of all that piece or parcel of land at in the District of in the Province of and called or known by the name of containing by admeasure-ment , be the same more or less, bounded as the same is delineated on the plan drawn hereon or hereunto annexed, together with all the rights, members, and appurtenances thereunto belonging.

Given under the hand of Judge of the said Court and issued under the seal thereof the day of 186 .

Entered in Book
No. Page

(L.S.)

Registering Clerk.

Issued at the
day of 186 .

Chief Clerk.

ENDORSEMENT.—Restrictions, conditions, or limitations attached to the land comprised in the certificate of title contained on the other side hereof.

LONDON:

Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
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For Her Majesty's Stationery Office.

FURTHER PAPERS

RELATIVE TO

THE AFFAIRS OF NEW ZEALAND.

(In continuation of Papers presented 26 June 1866.)

Presented to both Houses of Parliament by Command of Her Majesty.
August 1866.



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FOR HER MAJESTY'S STATIONERY OFFICE.

[37507]

SCHEDULE.

DESPATCHES FROM THE GOVERNOR.

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4	11 Aug. 1866 (No. 10.)	Major-General Chute's explanation of his statement that he had received no instructions to send home, in accordance with Governor's request, a part of the Royal Artillery and Military Train serving in New Zealand. Transmits two War Office Letters enclosing. - - - -	18

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FURTHER PAPERS
RELATIVE TO
THE AFFAIRS OF NEW ZEALAND.

Despatches from the Governor.

No. 1.

NEW
ZEALAND.
No. 1.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right
Honourable EDWARD CARDWELL, M.P.

(No. 33.)

Maketu, March 28, 1866.

(Received, July 16, 1866.)

(Answered, No. 4, July 25, 1866, page 15.)

SIR,

I HAVE the honour to report my arrival at this place yesterday, where I found a large body of the Arawa tribe waiting to receive me, and to accompany me into the interior of the country.

2. This morning early a message was sent to me from Te Heuheu, the chief of Taupo, informing me that he had, in company with Herekiele, the chief next in rank to himself, arrived at Tarawera, and that as soon as he heard of my arrival at Maketu he would move on to Ohinemutu to meet me, and that it was in consequence of a correspondence, a copy of which I have the honor to enclose,* that he had determined on making his submission to the Government.

3. Te Heuheu and Herekiele were the only Taupo chiefs who remained in arms against the Government. The whole of the central portions of this Island may, therefore, be regarded as having again returned to their allegiance.

The Right Honourable Edward Cardwell, M.P.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right
Honourable EDWARD CARDWELL, M.P.

(No. 34.)

Ohinemutu, March 29, 1866.

(Received, July 16, 1866.)

(Answered, No. 4, July 25, 1866, page 15.)

SIR,

I HAVE the honor to report that, on my arrival here, I found the rebel chiefs Te Heuheu and Herekiele waiting for me. They have made their complete submission to the Government, and, in order that their sincerity may be placed in the most unequivocal light, they have undertaken to leave their homes and families to remain with me as long as I think necessary, accompanying me to such other parts of the Island as I may visit.

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2. Nothing could exceed the satisfaction exhibited everywhere, by the Native population, at the interior of the Island being again visited by the Governor.

The Right Honourable Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 3.

No. 3.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 36.)

Raglan, May 3, 1866.

SIR,

(Received, July 16, 1866.)

(Answered, No. 4, July 25, 1868, page 15.)

I HAVE the honour to report that on the 1st inst. William Thompson, in compliance with the wishes I had expressed to him, came to Hamilton to meet me.

2. He spent the greater part of the day with me, and appeared to be, upon the whole, well pleased with the future prospects of the country.

3. He assured me that in so far as his own tribe was concerned, or those tribes under his immediate influence, no danger whatever existed of any future outbreak, but he explained that great jealousy on the part of Rewi and the Ngatimaniapoto tribe, had arisen from the fact of William Thompson having made his submission to the Government alone, and without having first consulted with Rewi, and he went on to state that Rewi with his immediate followers were at Hangitiki, about which place, and the country in its immediate vicinity, they had placed posts marking out boundaries, within which limits they intended to keep themselves in a state of complete isolation, Rewi having stated that he would never again look upon an European face. William Thompson added that his fear was lest some European, or friendly Native, who attempted to cross this line, might be murdered, and thus a recommencement of disturbances might be brought about.

4. William Thompson, in his conversation, clearly showed that he was not very well disposed towards the Ngatimaniapoto tribe, in consequence of the line named by the Government, within which confiscated lands might be taken, having included a large portion of his territory, and a very small portion of the Ngatimaniapoto country, which arrangement was, in his belief, unjust, inasmuch as many acts committed by himself and his tribe were far less blameable than those perpetrated by the Ngatimaniapoto tribe.

5. This complaint on his part was natural, and founded on fact, but he at last understood that the object of the Government in taking land was less punishment, than the intention of securing positions in the interior, the possession of which would ensure the safety of the European settlers and the future peace of the country.

6. I pressed upon him that it was a duty he owed to his tribe, and to the Native people of New Zealand, to be present at Wellington at the next meeting of the General Assembly, there to be in readiness to give evidence before any Committees of the Assembly on Native affairs, as it is possible that much legislation regarding Native affairs will then take place. He at first showed considerable reluctance to promise to go to Wellington, but ultimately, on considering the whole matter, he undertook to be present at Wellington when the Assembly meets; and he further agreed, on my pressing him to do so, that before the Assembly meets he will go to the Middle Island, and visit some of the leading persons there, who have always expressed themselves regarding him in a most friendly manner.

7. Before leaving me he was so well satisfied with his position with the Government, that he pressed me in the strongest manner to take him with me to England, when I returned there, expressing great anxiety to accompany me on a visit to the mother country.

8. Before proceeding to Raglan, for the purpose of going from thence to the Waikato country, I had gone into the harbour of Kawhia, on the southern shores of which I understood that some of Rewi's people, and some of the relatives of the so-called Maori King resided.

9. The Natives on the north shore of Kawhia Harbour all manifested the greatest pleasure at our visit. I found there Hori Te Waru, the Chief of Rangiaohia, who, having joined the rebels, had lost all his property and the larger portion of his land. The poor man was in great poverty, having been formerly one of the wealthiest Natives, but he was very cheerful and admitted fully that his sufferings were the result of his folly in having

yielded to the wishes of his people, and thus engaged in the rebellion. I assisted him on the part of the Government with the articles necessary to re-establish himself in life on the landed property he has at Kawhia, and left him quite happy and contented.

10. His son, Taati Te Waru, is still a leading chief amongst the rebel Natives, he having refused to come in but his father told me that he believed he would in a short time join him and then make his submission to the Government. I have since heard that a day or two after I left Kawhia he arrived there and joined his father.

11. Captain Fremantle commanding the "Eclipse," landed on several points on the southern shore of the harbour of Kawhia accompanied by Dr. Hector. They were civilly and well received by all the Natives but one, but as these Natives had sent no message to me I thought it best to leave them to themselves, and not for the present to try to force an interview upon them, more especially as I had then already heard that Rewi had expressed himself as desiring never to see a European face again.

12. Some of the family of Matutaera, the chief chosen as king, had formerly been known to me. Amongst these was an old lady named Te Paea who has the charge of Matutaera's eldest son who is named after me. She was residing with the lad near Hangatiki. I wrote her a few friendly lines and sent them to her by a Native who was a connexion of hers. You will see from the enclosed letter that she in return sent the most friendly messages to me, but was too ill to leave Hangatiki. Matutaera's second son was also very ill.

Honewetere,
Kawhia,
April 23, 1866.

13. On the receipt of this intelligence which reached me at Hamilton, I sent a messenger to Te Paea with some medical comforts. When my messenger from Hamilton arrived within a quarter of a mile of Hangatiki he was prevented by the Natives from crossing the line laid down by Rewi which I had not then heard of, but which William Thompson subsequently told me of. At that point the Natives said that Rewi was only secluding himself in his own place as European gentlemen did, and that he intended to prevent either Europeans or friendly Natives from trespassing upon his grounds; that my messenger might pass the line if he pleased, but that if he did so he must agree always to live there.

14. He therefore left his package and letter to be forwarded to Te Paea and returned to me at Hamilton.

15. I hope that Rewi will not long continue to maintain this line between Hamilton and his own place, forbidding all Europeans and Natives to pass it, as I fear if he does so it will involve him in disputes with other tribes. I have no fear of any general disturbance growing out of this circumstance, but it is clearly most desirable that even local quarrels and contests should not again break out in the Northern Island.

16. My hope is that Rewi, finding how completely isolated a position he now occupies, will shortly follow the example set him by the very great majority of chiefs who have been in arms, and come in and make his peace with the Government.

17. The state of things is at present, as far as Rewi is concerned, most anomalous. Rewi and his followers were within thirty miles of me celebrating the religious services of the Hau Hau fanatical faith, whilst Te Na, the former prophet and founder of this faith, and the framer of these religious services, was taking part in the service of the Church of England on board H.M.S. "Eclipse," having renounced the Hau Hau doctrines and having made a full statement of the delusions under which he was suffering when he imagined he had those visions which led him to found and promulgate the Hau Hau superstition.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 3.

Encl. in No. 3.

Translation.

FRIEND THE GOVERNOR,

Kawhia, April 23, 1866.

SALUTATIONS. I have returned to this place upon the day appointed by you, but upon my return you had left. At Hangatiki I found Te Paea, Makareta, and Patara; Tamati was at Mokau upper; I went there; Rewi was there.

When I went to Hangatiki Te Paea was there ill, as well as her child; but for the illness she would have come. She was very anxious to see you but for her illness. She told me that when she recovered from her illness she would come.

Tamati's word was very good,—it was love, and sympathy for you.

Te Paea said, "If the Governor remains longer at Kawhia I will go to him;" but she said many

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words of sympathy and love; but if I had found you here I should have asked you to remain and wait to hear from Te Paea.

Another,—I cannot go to you, upon my arrival Te Kereti was very ill, for this reason I have stayed, but Ma will take the letter to you. The greater part of the talk is with me still. I myself will tell it to you soon, that is, the good and the love.

That is all.

FROM HONE WETERE.

No. 4.

No. 4.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 41.)

Government House, Wellington, May 8, 1866.

(Received, July 16, 1866.)

(Answered, No. 13, August 21, 1866, page 21.)

SIR,

IN reply to your Despatch, No. 104,* of the 23rd December 1865, transmitting a copy of a letter from Sir D. Cameron to the Secretary of State for War, enclosing a communication from a letter at Whanganui, impugning the conduct of the provincial authorities in reference to the purchase by the Government of a block of land at Waitotara from the Natives, I have the honour to enclose the copy of a letter from Dr. Featherston the Superintendent of the province of Wellington in reply to the charges advanced by General Cameron.

I have, &c.

(Signed) G. GREY.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

* Vide Papers
presented
Feb. 1866,
page 260.

Dr. Featherston
to Mr. Stafford,
Wellington,
May 3, 1866.

Encl. in No. 4.

Enclosure in No. 4.

SIR,

Superintendent's Office, Wellington, May 3, 1866.

I HAVE to express my regret that, owing to my absence from Wellington, I have been unable sooner to reply to the letters of Sir Duncan Cameron and Mr. Field relative to the purchase of the Waitotara block.

Before noticing the specific charges preferred by General Cameron, on the sole authority, it now appears, of Mr. Field, it may be well briefly to sketch the history of this Waitotara purchase.

The owners of the block had for many years been pressing its sale upon the Government, but it was only on the occasion of Governor Gore Browne's visit at Wanganui in May 1859 that they became so urgent that Mr. Commissioner McLean, who had thoroughly investigated the title to the block, paid them 500*l.* (five hundred pounds) as an instalment. This sum was given in equal proportions to the five principal chiefs, and was by them immediately distributed amongst their followers.

The survey of the block and reserves was at once commenced, and after considerable time completed. A reference to the final deed of purchase will show with what care and accuracy this was done. Not only are the names of the Surveyors and the Natives who assisted them given, but we are told by whom each line was surveyed and by what Natives almost every pole was erected and every survey peg inserted. Take, for example, the Pakaraka reserve. "The second (reserve) is named Pakaraka and "Paki Ngaio. The upper boundary of this piece of land is Mr. Porter's line. The lower boundary was "surveyed by Mr. Porter, assisted by Piripi and others. The side lines were surveyed by Mr. Stewart "with Piripi and others. The survey poles on one side were erected by Piripi and Hare; those on "the south-eastern side were erected by Rihari and Motuarama. This block contains three thousand "three hundred acres. This block was formerly of larger dimensions, but has now been reduced by "Dr. Featherston. Mr. Porter and Piripi laid off the line reducing it, viz., the lower boundary line." The chiefs here named have been and still are actively engaged in rebellion.

After the survey was completed the Natives became clamorous for the completion of the sale, and sent one or two deputations to Wellington to hasten it, but in consequence of Mr. Commissioner McLean's illness and absence at Auckland the negotiations remained in abeyance for two years. During this period several of the principal chiefs joined the King movement, became rebels, and insisted on the Waitotara block being handed over to King Potatau. A dispute thus arose between them and the loyal Natives, who called upon the Government to complete the purchase. At length both parties agreed to refer the matter to Potatau, and to abide by his decision. The old chief Aperahama, headed the deputation of kingites and anti-sellers. Rio was the advocate of those who maintained that the land had already passed to the Queen. A regular Court was held by Potatau, and the proceedings were conducted with great form and solemnity. Aperahama having been first called upon by the Court, stated his case, and urged Potatau to accept the land, in other words, to take the land under his protection and to prevent its sale. Rio then pleaded the case of the sellers, and seems to have made a profound impression on His Majesty's Court, for when Aperahama urged his right of reply, the judges informed him that they had heard quite enough, and then, after deliberating for some time, gave as their final decision that Aperahama had not a leg to stand on, that he and those he represented had been consenting parties to the sale and had received an ample share of the first instalment of 500*l.*, that the land had been fairly sold, belonged to the Queen, and must be handed over. King Potatau further ordered Aperahama not only to cease all further opposition to the sale, but forthwith to remove from the block, and take up his quarters on the other side of the Waitotara river. Aperahama on his

return from Waikato at once implicitly obeyed these orders. At about the same time that Aperahama thus quitted the block in obedience to Potatau's mandate, Hare Tipini, another principal chief who had received 100% of the 500% instalment, called a meeting of the tribe, and after publicly announcing his intention to join the rebels at Taranaki, formally renounced his claims in the block, and urged the tribe to complete the sale, declaring that in all probability he should never return.

All opposition to the sale having thus been withdrawn, the Government had not the slightest excuse for refusing to comply with the demand of the Natives that the price should be fixed and the purchase completed. It was not till after many meetings that the sum of two thousand five hundred pounds was, in March 1863, agreed to as the amount to be paid for the block, and it was not till July 1863, after the most ample notice had been given to all claimants to come in, that the final deed of purchase was signed in the presence of the Wanganui chiefs, and the balance of the purchase money, 2,000%, handed over to the two chiefs Rio and Piripi, appointed by the tribe to receive it. Instead of distributing it then and there Rio and Piripi announced to the Rununga that as Hare Tipini and many others of their friends and relatives were at present fighting against the Queen at Taranaki, and might possibly return, when they would wish to make them a present, they would lodge the money in the bank. The money thus lodged on a deposit receipt was not withdrawn till May 1864, when I believe it was fairly and equitably distributed.

Having thus given the history of the purchase, I proceed to notice General Cameron's charges and statements in regard to it.

In the private letter which General Cameron wrote to the Governor on the 28th of January 1865, from Wanganui, he says, "Since I have been in this part of the world I have made enquiries about the purchase of the Waitotara block, and have reason to believe that it was a more iniquitous job than that of the Waitara block." When challenged by Sir George Grey to inform him "of the nature of the enquiry he had made about the purchase of the Waitotara, what were his reasons for believing that it was an iniquitous job, and upon whose information his opinions were founded," General Cameron, instead of meeting the challenge, says in his letter of the 12th of June, 1865, "It is no part of my duty to collect information for your Excellency on such a subject as the purchase of the Waitotara block, regarding which you have ample means of obtaining all the information you require, and I therefore decline entering into any correspondence with your Excellency on the subject."

And yet General Cameron in a letter addressed on the 7th of July 1865 to the Right Hon. the Secretary of State for War, professes to give a detailed account of the purchase of the Waitotara, explaining the way in which he obtained his information in these terms. "It was in riding into Wanganui a day or two after the engagement at Nukumarū that I received the above account, *the truth or falsehood of which I had no means of ascertaining*, but my informant was a very respectable settler who had been a long time in the country and appeared well acquainted with the history of the transaction;" and then on this statement, "the truth or falsehood of which," he says, "he had no means of ascertaining," though in his private note of the 28th of January he had declared that he had made inquiries, General Cameron proceeds to found and forward to the Secretary of State for War the gravest possible charges against officers of the Colonial Government.

First. With respect to General Cameron's assertion, "that the purchase of the Waitotara block was a more iniquitous job than that of the Waitara block," I unhesitatingly affirm that the validity of the purchase has never been in the slightest degree questioned by the Natives. Of this the following proofs amongst others may be adduced. 1st. A reference to the deed of sale shows that the boundaries both of the block and of all the reserves were marked off by the principal chiefs themselves (in the case of the Waitara it is notorious that the surveyors were turned off the instant they appeared on the block). 2nd. When some time afterwards it was agreed to reduce the Pakaraka reserve, the same chief (Piripi) who had laid it off pointed out the pegs and assisted in laying off the new boundary. 3rd. When the rebel kingites in 1862 begged Potatau to accept the land and to forbid its sale, King Potatau decided that the land had been fairly purchased, belonged to the Queen, and ordered them to complete the sale. 4th. When in October 1864 the rebels refused me admission into the Weraroa Pa, they admitted that it was built on Queen's land. 5th. When the pa was captured the chiefs who then surrendered made a precisely similar admission to His Excellency Sir George Grey, adding that neither they nor anybody else had ever disputed the sale of the block. 6th. Nay, General Cameron himself is compelled to confess that the troops under his command were unmolested as long as they were on Queen's land; "that it was not until the troops entered the village of Nukumarū (Hare Tipini's reserve) that their advance was opposed by the Natives, and that on that occasion a severe engagement ensued between them." 7th. It was not until General Cameron marched upon the Nukumarū reserve that the road party was interfered with. So far from the Natives objecting to the road being made, they voluntarily allowed it to be carried through their reserves. Even that arch rebel Hare Tipini, who is still in arms against the Queen, when he heard that it was the intention to avoid his reserve, sent me word that I might take the road through any part of it, and that no opposition would be offered to the road being carried to the Waitotara river. The party who drove off the road party on the 24th January 1865, without injuring any of them, were not Waitotara Natives, but strangers on their way to join the rebels in their attack upon General Cameron at Nukumarū. 8th. When a band of Waikatos came to Waitotara to purchase supplies from storekeepers connected with the road parties, the Waitotara Natives compelled them to leave all their arms on the north side of the river before they would allow them to cross, saying that they would not allow the road parties to be molested as long as they were engaged on the south side of the river.

Surely these facts sufficiently show that there is not the slightest foundation for General Cameron's opinion that the purchase of the Waitotara was a more iniquitous job than that of the Waitara. The only question that has, as far as I am aware, been raised in connexion with this purchase is, whether certain Natives resident in Wellington were not entitled to some small present out of the purchase money. But though these Natives at my request went to Wanganui for the purpose of preferring their claims, and actually lived ten days or a fortnight with the sellers at Pakaraka, they never uttered a word about their claim.

It is equally easy to dispose of General Cameron's other charges and statements, for there is scarcely a particle of truth in any one of them.

General Cameron states that "the land (*i.e.* the Waitotara block) was hurriedly sold (by the Govern-

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"ment) without the usual notice by advertisement, to a few speculators in Wellington at ten shillings an acre. The sum realised being 13,000*l.*, the amount paid to the Natives being 2,500*l.* Hare Tipini and other chiefs protested against the sale at the time," &c. I annex a return to show how little truth is contained in this circumstantial statement. It shows that the usual notice of sale was given—the notice required by law being not less than one month nor more than three. It also proves that, instead of being sold to a few speculators in Wellington, thirty out of the thirty-eight purchasers were settlers resident at Wanganui, nearly all the remaining eight being resident, it is true, in Wellington, but who bought the land for the purpose of locating themselves upon it. By the same return it will be seen that the sum realised instead of being 13,000*l.* was only 5,259*l.*

I have clearly proved that none of the chiefs ever questioned the validity of the sale, that Hare Tipini especially, after formally at a great meeting handing over all his claims to Rio and others, insisted upon the sale being completed. The assertion that they protested against the Government selling lands which they admitted belonged to it is too absurd to require notice.

General Cameron next states, "that the Government, anticipating opposition to the occupation of the block, commenced a road from Wanganui to the Waitotara." It seems a sufficient answer to this to say, that if such had been the case the last thing the Government would have attempted would have been the formation of a road through a block in dispute. But General Cameron himself admits that to the construction of this road the Natives made no serious opposition until General Cameron had occupied Hare Tipini's reserve. "In it," says General Cameron, "the Weraroa Pa was constructed as a protest against the further continuance of the road." The Weraroa is not Nukumarū reserve but on Queen's land adjoining the Perekama reserve on the Waitotara river, and was constructed not as a protest against the continuance of the road, but solely and expressly for the purpose of disputing the passage of the river by the troops.

With respect to the General's account of the death of Rio, there was no more connexion between his murder and the sale of the Waitotara than there is between Goodwin sands and Tenterden steeple. Even General Cameron's respectable settler, Mr. Field, confesses that, "when Rio was killed by the Waikatos it was not till after he had made himself conspicuous on the occasion of General Waddy's reconnaissance of the Weraroa, and was as much in revenge for his having been with the troops in the Waikato as for his acting as a spy and his connexion with the sale of the land," and further adds, addressing the General, "during your own operations your forces were not interfered with till you crossed the Nukumarū reserve boundary, but then you were attacked at once as trespassing on land to which the Government could have no possible shadow of a claim." This amounts virtually to an admission that, if General Cameron had avoided treading upon the Native reserves, he and his army might have marched all over the block without encountering any opposition from the Natives.

Having thus noticed, and I trust satisfactorily rebutted, all the charges made by General Cameron in reference to this transaction, and having further proved that General Cameron had ample means of ascertaining the truth or falsehood of all the statements contained in his letter to Lord de Grey, I submit that I have a right to complain of the unfair and ungenerous course pursued by Mr. Secretary Cardwell in publishing such grave accusations in a Parliamentary Blue Book, without first affording me an opportunity of replying to them, and also that I have a perfect right to call upon Mr. Cardwell to lay this communication, immediately on its receipt, before Parliament.

The Hon. E. W. Stafford,
&c. &c. &c.

I have, &c.
(Signed) J. E. FEATHERSTON,
Superintendent.

SCHEDULE of PURCHASERS in the WAITOTARA BLOCK with the Amount realised.

Name.	Residence.	Contents.	Amount realised.			
			Cash.			Military Land Orders, &c.
		Acres.	£	s.	d.	Acres.
Patrick Shields - - -	Wanganui - - -	60	-	-	-	60
William Massey - - -	Wellington - - -	100	50	0	0	—
William Kells - - -	Wanganui - - -	80	-	-	-	80
Robert Pharazyu - - -	Wellington - - -	3,742	1,881	0	0	—
Peter Barber - - -	Wanganui - - -	60	1	10	0	60
David Peat - - -	Do. - - -	2,800	1,400	0	0	—
Thomas Peapell - - -	Do. - - -	60	-	-	-	60
John Randley - - -	Do. - - -	840	420	0	0	—
Alexander Peyman - - -	Dunedin, Otago - - -	1,820	910	0	0	—
E. Cullum - - -	Wanganui - - -	60	-	-	-	60
Heirs of J. Kells - - -	Do. - - -	60	-	-	-	60
Michael O'Brien - - -	Do. - - -	60	-	-	-	60
James Kane - - -	Do. - - -	60	-	-	-	60
Alexander Patterson - - -	Do. - - -	265	132	10	0	—
Lawrence Meara - - -	Do. - - -	80	40	0	0	—
George Masterton - - -	Essex, England - - -	400	200	0	0	—
Patrick McEvoy - - -	Wellington - - -	60	-	-	-	60
Robert Taylor - - -	Do. - - -	158	79	0	0	—
T. Coakley - - -	Wanganui - - -	60	-	-	-	60
James Rapley - - -	Do. - - -	80	-	-	-	80
E. J. Campion - - -	Wellington - - -	130	65	0	0	—
James Burke - - -	Wanganui - - -	60	-	-	-	60
John Lee - - -	Do. - - -	60	-	-	-	60
William Collopy - - -	Do. - - -	60	-	-	-	60
Robert Crighton - - -	Do. - - -	80	-	-	-	80

SCHEDULE of PURCHASERS in the WAITOTARA BLOCK.—*continued.*NEW
ZEALAND.

Name.	Residence.	Contents.	Amount realised.	
			Cash.	Military Land Orders, &c.
		Acres.	£ s. d.	Acres.
Michael Connor - - -	Wanganui - - -	60	- - -	60
Clark Dunn - - -	Do. - - -	80	40 0 0	—
John Callaghan - - -	Do. - - -	80	- - -	80
Michael Mahoney - - -	Do. - - -	60	- - -	60
John Byrne - - -	Do. - - -	60	- - -	60
G. F. Allen - - -	Do. - - -	80	40 0 0	—
James McFadden - - -	Do. - - -	60	- - -	60
Patrick McShane - - -	Do. - - -	60	- - -	60
Michael Emmerson - - -	Do. - - -	60	- - -	60
John Toole - - -	Do. - - -	60	- - -	60
W. Rickmett - - -	Do. - - -	60	- - -	60
James Matthews - - -	Do. - - -	60	- - -	60
C. N. N. Hastings - - -	Wellington - - -	400	- - -	400
Total - - -		12,475	5,259 0 0	1,980

Date of Proclamation throwing the block open for sale, 14th September 1864.

Date on which thrown open for sale, 17th October 1864.

WILLIAM HOLMES,
April 4, 1866.Crown Lands Office,
Wellington.

WAITOTARA BLOCK OPEN FOR SALE.—PROCLAMATION.

By his Honour Isaac Earl Featherston, Esquire, Superintendent of the Province of Wellington, in the Colony of New Zealand.

I, ISAAC EARL FEATHERSTON, Superintendent of the Province of Wellington, do hereby proclaim and notify that the block of land described in the Schedule hereunto annexed, except any reserves therein mentioned, will be open for purchase and selection at the Crown Lands Office, Wellington, on and after Monday, the seventeenth day of October, one thousand eight hundred and sixty-four, under the Land Regulations of the fourth day of March, one thousand eight hundred and fifty-three, and the Additional Land Regulations of the fifteenth day of February, one thousand eight hundred and fifty-five.

Given under my hand and issued under the Public Seal of the Province of Wellington, at L.S. Wellington, this fourteenth day of September, 1864.

I. E. FEATHERSTON,
Superintendent.

By his Honour's command,
J. WOODWARD,
Acting Provincial Secretary.

SCHEDULE.—PROVINCE OF WELLINGTON.

Waitotara Block, estimated to contain 26,000 acres.

BOUNDARIES.

The southern boundary is the sea from the mouth of the Okehu to the mouth of the Waitotara river. The north-western boundary is the Waitotara river from its mouth to the commencement of Porter's line at Karewarewa. The northern boundary is Porter's line from Karewarewa to the Okehu river; and the eastern boundary is the Okehu river from Porter's line to the sea.

Those portions of land coloured red on the map on the back of this deed are not included in the present sale.

The boundaries of the portions of land remaining sacred to us are as follows:—

1st. The first is called Okehu, situate on the banks of the River Okehu, and estimated to contain 380 acres, surveyed by Mr. Stewart, assisted by Te Peina. Their survey poles are also erected.

2nd. The second named Pukaraka and Puke Ngaio. The upper boundary of this piece of land is Mr. Porter's line. The lower boundary was surveyed by Mr. Porter, assisted by Piripi and others; the side lines were surveyed by Mr. Stewart with Piripi and others. The survey poles on the northern side were erected by Piripi and Hare; those on the south-eastern side were erected by Rihari and Motuarama. This block contains 3,300 acres. This block was formerly of larger dimensions, but has now been reduced by Dr. Featherston; Mr. Porter and Piripi laid off the line reducing it, viz. the lower boundary line.

3rd. The third named Nukumarū. This block was surveyed by Mr. Stewart assisted by Hare and Himiona, and their survey poles are standing. The pole in the Lake (Waikato) was erected by Hetaraka. The block is estimated to contain 1,223 acres.

4th. The fourth, named Maneene, was surveyed by Mr. Stewart assisted by Piripi and Horo papera their survey poles also are erected; it contains 58 acres.

5th. The fifth, named Maraetōa, situate on the banks of the Waitotara river, surveyed by Mr. Porter with Pirimona and Hakaraia; they erected the survey poles. This piece is estimated to contain 29 acres.

6th. The sixth, named Perekama, situated between the Waitotara and Ohie rivers, Mr. Stewart

NEW
ZEALAND.

assisted by Heteraka and Hare surveyed this block, and erected the poles on the Ohie side. Rio, Ihaka, and Hona erected the poles on the Waitotara side. It is estimated to contain 925 acres.

7th. The seventh, named Auroa. The boundaries of this block were surveyed by Mr. Stewart assisted by Kereti and Teritiu; their survey poles are erected on the southern side. The Waitotara river is the boundary towards the south-east. It contains 137 acres.

No. 5.

No. 5.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 42.)

Government House, Wellington, May 12, 1866.

(Received, July 16, 1866.)

SIR,

(Answered, No. 6, July 26, 1866, page 15.)

At the request of my responsible advisers, I have the honour to transmit for your information the enclosed memorandum, and a statement which accompanies it, showing that the sum of 405,146*l.* 11*s.* has been paid from the Colonial Treasury on account of Imperial troops and services.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Mr. Stafford,
April 10, 1866.

Encl. in No. 5.

Enclosure in No. 5.

MEMORANDUM.

HIS EXCELLENCY THE GOVERNOR,

HIS Excellency's Ministers have given much attention to the question of the claims which have for some time been preferred by the Imperial Government against New Zealand.

They believe it to be most desirable that these claims should be settled as soon as possible, and that no misconception with respect to them should continue to exist, and with that object they have endeavoured to ascertain the exact sum for which the colony was fairly liable.

They have, however, found it impossible to arrive at any definite conclusion on the subject. The claims have been stated in many different ways, sometimes classed under one head, sometimes under another, neither the classification nor the totals agreeing in the different statements, and in the absence of sufficient vouchers or references, not hitherto supplied, the Colonial Government has been in a great measure left to conjecture what the particular services might be in respect of which payment has been asked from the Colony.

Ministers are aware that considerable sums have been issued from the Imperial chest, and rations and stores supplied by the commissariat to the Colonial forces. The Colonial Government has always desired to repay these advances, and with that object, notwithstanding the severe pressure on its finances, remitted some time since half a million of debentures to the Imperial Government. But the advances which the Colonial Government has a knowledge of fall far short of the claims now made by the Imperial Government, and ministers respectfully submit that without further information these claims (except such as comprise the advances made at the request of the Colonial Government) are either unintelligible or, so far as they can be understood, appear to include charges for which the Colony has never rendered itself liable.

The Colonial Government has always admitted and taken steps to discharge the liabilities incurred by it, and is now desirous that means may be afforded to it of determining the amount of its liabilities.

In connection with this subject, ministers have to submit that the Colony has a large claim against the Imperial Government for advances made from the Colonial Treasury to defray the cost of charges incurred on account of Her Majesty's regular forces. A statement is enclosed showing approximately the amount of these advances, which (with a few exceptions) were made on the express requisitions of the officers commanding the regular troops.

The Colonial Government was induced to make these advances from an earnest desire to meet the wishes of the Imperial authorities to the fullest extent, and when it is considered that at the same time the Colony was also raising and maintaining large numbers of men at its sole cost to co-operate with the regular troops, and latterly to enable the troops to be withdrawn, it is submitted that the acts of the Colonists in the past, and the engagements they have entered into for the future, are without parallel for so small a community, and may fairly entitle it to the utmost consideration.

It is probable that the statement now furnished may, in like manner as the claims made by the Imperial Government, require detailed explanation. Ministers believe that it would be difficult and cause much delay to attempt to supply by correspondence such explanations as would finally settle the questions at issue, and would therefore submit that with a view to full explanations being given the claims of the Imperial Government on the Colony, and those of the Colony on the mother country, should be subjected to a thorough examination, which it is believed could best take place in New Zealand, where the evidence in connexion with them can be supplied. Such an examination would enable the respective claims to be settled without that delay and dissatisfaction which must otherwise ensue.

In the meantime it may be observed that the amount of the claim of the Colony, 405,146*l.* 11*s.*, when deducted from the claim of the Imperial Government, even assuming the total amount claimed by the latter to be admitted, reduces the sum due to the Imperial Treasury considerably below the value of the half million debentures already remitted, even if the latter were sold without the Imperial guarantee which was offered to be given to them by the Duke of Newcastle and Mr. Cardwell.

It is requested that this memorandum and the accompanying statement may be transmitted to the Secretary of State for the Colonies.

Wellington, 10th April 1866.

(Signed) E. W. STAFFORD.

STATEMENT showing AMOUNTS paid from the Colonial Treasury on account of Imperial Troops and Services.

	1858-9.			1859-60.			1860-1.			1861-2.			1862-3.			1863-4.			1864-5.			1865-6.			—		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Blockhouses, stockades, and defensible buildings for Imperial troops	-	-	-	4,627	2	3	3,035	2	8	693	14	3	2,952	13	0	10,163	4	9	4,825	12	8	2,975	10	2	29,272	19	9
Barracks for Imperial troops, and repairs of ditto	1,418	9	3	3,974	8	1	8,661	15	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	14,054	12	7
Pay of Imperial troops employed on roads, principally for military purposes	-	-	-	-	-	-	-	-	-	2,181	7	10	9,801	8	3	32,969	11	10	8,870	5	5	1,913	0	7	55,735	13	11
Pay to Imperial troops employed as a moveable column	-	-	-	-	-	-	-	-	-	345	10	11	8,270	6	7	11,706	7	10	2,403	14	3	661	2	9	23,387	2	4
Pay to men of the Royal Artillery as a mounted corps	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,649	2	7	10,350	17	5	-	-	-	16,000	0	0
Cost of saddles, arms, and accoutrements for ditto and other Imperial troops.	-	-	-	-	-	-	-	-	-	-	-	-	737	7	6	4,055	10	6	22	15	0	-	-	-	4,078	5	6
Interpreters and guides to Imperial officers	-	-	-	-	-	-	-	-	-	-	-	-	2,290	18	7	1,464	13	2	783	10	8	-	-	-	2,985	11	4
Pay of transport corps and militia attached to H.M. Commissariat	-	-	-	-	-	-	-	-	-	-	-	-	291	8	1	1,691	6	10	1,762	12	11	-	-	-	6,078	17	7
Freight of stores, &c. on Waikato river for H.M. Commissariat supplying Imperial troops.	-	-	-	-	-	-	-	-	-	-	-	-	7,725	1	3	46,728	14	7	82,847	0	3	-	-	-	95,131	14	4
Cost of dockyard on Waikato	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	82,847	0	3
Cost of working coal mines for steamers, ditto	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	11,227	3	4	9,952	16	1	47	9	3	21,227	8	8
Clearing Waikato river for passage of steamers for landing and shipping Imperial stores.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4,701	8	7	4,518	7	10	1,203	5	3	10,423	1	8
Harbour boats, New Plymouth	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,366	11	10	39	12	0	-	-	-	1,406	3	10
Shipping men, guns, and Royal Artillery, New Plymouth	-	-	-	-	-	-	3,500	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3,500	0	0
Wharfrage on military stores, Auckland	-	-	-	-	-	-	-	-	-	189	1	6	97	19	3	104	7	6	536	10	6	-	-	-	104	7	6
House for the Commodore in Auckland, and insurance on ditto	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	781	9	1	-	-	-	155	10	0	1,760	10	4
Allowance to officers and men of H.M. ships	-	-	-	-	-	-	4,000	0	0	5,000	0	0	-	-	-	1,250	0	0	-	-	-	-	-	-	1,250	0	0
Allowance to Imperial troops at Otago	-	-	-	-	-	-	-	-	-	-	-	-	4,941	7	1	-	-	-	-	-	-	-	-	-	4,941	7	1
Special steam service between Manakau, Raglan, and Wellington	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,280	0	0	285	0	0	2,565	0	0
Ditto ditto to Tauranga	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	150	0	0	500	0	0	650	0	0
Charter of ship for conveyance of troops	108	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	108	0	0
Ditto of steamer "Egmont," sent to Tauranga for troops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200	0	0	-	-	-	200	0	0
Pay to guards in charge of Imperial barracks, Wellington	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	266	7	2	392	6	0	658	13	2
Passage of military prisoners to England per "Swordfish"	-	-	-	-	-	-	-	-	-	28	17	1	-	-	-	-	-	-	-	-	-	-	-	-	28	17	1
Rewards and expenses for capture of deserters from Imperial troops	-	-	-	-	-	-	-	-	-	145	10	3	810	13	9	265	8	3	550	0	0	475	0	0	2,246	12	3
Fresh beef supplied to H.M. ship "Eclipse," and pilotage for ditto	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	22	0	4	-	-	-	14	0	0	36	0	4
Rent of premises occupied by Imperial troops at Te Papa and Aranui	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	375	0	0	-	-	-	375	0	0
Postages, naval and military	-	-	-	363	14	3	-	-	-	1,426	3	7	1,562	18	4	1,890	15	4	2,822	2	6	2,822	2	6	12,024	7	6
Amount paid for four horses taken from friendly Natives by Imperial troops at Pokorokoro.	-	-	-	-	-	-	740	10	11	-	-	-	-	-	-	-	-	-	-	-	-	150	0	0	150	0	0
	1,932	9	4	8,965	4	7	19,937	8	10	10,010	5	5	39,482	1	8	138,053	2	5	164,003	16	8	22,762	2	1	405,146	11	0

Treasury, Wellington, N.Z.,
April 10, 1866.

(Signed)

C. T. BATKIN,
Accountant to Treasury.

NEW
ZEALAND.
—
No. 6.

No. 6.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 43.)

Government House, Wellington, May 12, 1866.

(Received, July 16, 1866.)

(Answered, No. 6, July 26, 1866, page 15.)

SIR,

I HAVE the honour to transmit for your information the copy of a memorandum I have received from my Responsible Advisers in relation to the claims made by the Imperial Government against this Colony upon account of military expenditure.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Mr. Stafford,
May 5, 1866.

Encl. in No. 6.

Enclosure in No. 6.

MEMORANDUM.

HIS EXCELLENCY THE GOVERNOR,

REFERRING to the subject of their memorandum of the 10th of April last, Ministers have to state that on an examination of the accounts it appears that the sum of 85,891*l.* 10*s.* 4*d.*, which has been frequently alluded to in the correspondence on this subject as an "admitted error," comprises in part the cost of sending out and locating the New Zealand Fencibles in the years 1847 to 1849, and in part the cost of the hire by the military authorities of the steamers "Tasmanian Maid" and "Wonga Wonga," employed by them in conveying supplies to Her Majesty's regular forces in the years 1860 and 1861.

In some of the statements furnished the cost of the Fencibles is (although included in this sum of 85,891*l.* 10*s.* 4*d.*) also stated under a separate head as 67,927*l.*, thus apparently swelling the total of the claims by that sum being twice reckoned. Irrespective, however, of this error, the charge in question is one as to which the Colony was never consulted, and which was never at the time, or since, submitted to, much less approved, by the New Zealand Legislature, the military pensioners comprising the fencible force having been sent out by Earl Grey, when Secretary of State, long before the New Zealand Constitutional Act was passed, or any representative or responsible Government existed in the Colony, and when the Imperial Government was solely responsible for the peace of the country, and the cost of its defence was entirely borne by Great Britain. Ministers are of opinion that the New Zealand Legislature could not be expected to entertain a proposition to take on itself retrospectively charges which at the time when they were incurred were obligations of the empire, even if the circumstances of the Colony would, as they will not, enable it to do so, and they believe that Mr. Cardwell, on a consideration of these facts, will recognise that such a charge should not now be preferred against New Zealand, especially in the present state of its finances, and having regard to the very large engagements for which it has to provide.

With respect to the hire of the "Tasmanian Maid" and "Wonga Wonga," employed in the commissariat service, the Colonial Government has never had anything to do with that service, which, whether by sea or land, has been at all times entirely controlled and provided for by the military authorities without the Colonial Government being consulted, or having any right to interfere with respect to it. No such charge has ever before or subsequently been made with respect to similar services, either as regards the conveyance of supplies to the troops by land, or by the different vessels engaged by the commissariat, and Ministers are unable to discover how this charge came to be included amongst the claims made against the Colony.

Ministers would also observe generally, on the subject of these claims, that the sum of 69,012*l.* on account of the contribution of 5*l.* per man for the regular troops stationed in New Zealand has not been deducted by the Imperial authorities from the amount claimed by them, notwithstanding the agreement to that effect made with the late Duke of Newcastle, and which was confirmed by the Imperial Treasury instructions of May and June, 1862.

The above-mentioned instances, amongst many others which might be adduced, sufficiently evidence the advisability of a Commission being appointed to investigate the whole question of the accounts between the Imperial Government and New Zealand.

Wellington, May 5, 1866.

(Signed) E. W. STAFFORD.

No. 7.

No. 7.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B. to the Right Honourable EDWARD CARDWELL, M.P.

(No. 44.)

Government House, Wellington, May 14, 1866.

(Received, July 16, 1866.)

(Answered, No. 7, July 26, 1866, page 15.)

SIR,

I HAVE the honour to transmit for your information copies of a correspondence between myself and my Responsible Advisers upon the subject of the rations still issued by the commissariat to the local forces.

Memo. by
the Governor,
Mar. 24, 1866.
—
Memo. by
Mr. Stafford,
April 13, 1866.

2. My Responsible Advisers undertake, from and after the end of this month, to repay monthly the cost of all rations issued during the immediately preceding month to the local forces, but they inform me that they can only do so by simultaneously stopping all expenditure on services imperatively required for the peace and welfare of the Colony, which must correspondingly suffer, both in the present and future, from the stoppage of such services.

3. As I am at present situated I do not regard it as being within my power to forego the demand for the monthly payment of all rations issued to the Colonial forces during the preceding month, and I have informed my Responsible Advisers accordingly, and I beg that I may be instructed by Her Majesty's Government, after they have perused the enclosed correspondence, whether or not, in adhering to this course, I am acting in compliance with their wishes. The Colonial Government are making every effort to provide for the rationing of the local forces at as early a date as possible.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) G. GREY.

Enclosure 1 in No. 7.

Encl. 1 in No. 7.

MEMORANDUM.

The Governor transmits for the consideration of Ministers a return he has received from General Chute, showing that 3577 rations are still daily furnished by the commissariat for the use of the Colony. The Governor earnestly trusts that Ministers will make speedy arrangements for relieving the military from this charge, regarding the discontinuance of which the most stringent instructions have been issued by the Home Government.

March 24, 1866.

(Signed) G. GREY.

STATEMENT showing the Number of Rations issued to Colonial Forces at all Stations in New Zealand on the Dates below specified, being the latest to which Returns have been received.

Station.	No. of Rations daily.	Date of latest Returns.
Auckland and Onehunga - - -	14	—
Ngaruawahia, for Hamilton and Cambridge -	2,000	16 March 1866.
Whatawhata - - - - -	42	9 "
Te Awamutu - - - - -	24	9 "
Rangiaohia - - - - -	30	9 "
Kihi Kihi - - - - -	198	9 "
Alexandra - - - - -	576 $\frac{1}{4}$	9 "
Thames District - - - - -	116	16 "
Tauranga - - - - -	194	16 "
Napier - - - - -	14	1 "
Wairoa Expedition's Force - - - - -	110	1 "
Matepiro and Ngaruroro - - - - -	22	1 "
Lambert Redoubt - - - - -	37	1 "
Waipukurau - - - - -	9	1 "
Wanganui - - - - -	90	1 February 1866.
Patea - - - - -	1	1 "
Manawapou - - - - -	1	1 "
Waingongoro - - - - -	5	1 "
Te Aroi - - - - -	1	1 "
Oakura - - - - -	1	1 "
Stoney River - - - - -	8	1 "
Warea - - - - -	80	1 "
Opunaki - - - - -	4	1 "
Total - - -	3,577 $\frac{1}{4}$	

(Signed) H. STANLEY JONES,
Commissary-General.

Commissariat, New Zealand,
Auckland, March 21, 1866.

Enclosure 2 in No. 7.

Encl. 2 in No. 7.

MEMORANDUM.

HIS EXCELLENCY THE GOVERNOR,

MINISTERS have received his Excellency's memorandum of the 24th ultimo, transmitting a return showing the number of rations now issued by the commissariat to the Colonial forces.

NEW
ZEALAND.

Ministers are anxious to make arrangements for relieving the Imperial authorities from these advances, but the practical obstacles to such a course under present circumstances have hitherto been insuperable.

The establishment of a Colonial Commissariat Corps for a temporary object (as few rations will be required for military settlers after some months) would, even if it could be effected, be a comparatively useless expenditure, having regard to the extensive machinery required for such a service.

The apparent alternative of accepting contracts for the supply of all the stations is equally beset with difficulties. The inaccessibility of some of the stations, the attendant risk, the absence of Colonial officers trained as receiving and issuing officers, would render it impossible to ensure regularity in the operation of such a system, and would render it enormously expensive.

The issue of a money allowance in lieu of rations would appear to be the simplest and most satisfactory solution of the difficulty, but the Government is unable to decide on that course. By the conditions of service the men are entitled to rations for a certain time, and the Government could not justly compel or expect them to take a money allowance instead without any provision being made that supplies of provisions were procurable at reasonable rates. The unsettled state of the country, which has prevented the establishment of butchers', bakers', and grocers' shops in the distant outposts has hitherto rendered this impracticable.

All these circumstances considered, it is of the utmost importance that for present the subsisting arrangements with the commissariat be maintained, as the immediate stoppage by that department of rations in the Waikato district would necessarily entail great suffering and loss. If, however, the Imperial authorities will not consent to continue, even temporarily, this issue without immediate repayment of its cost, the Colonial Government will engage to make such repayment monthly, but it can only do so, having regard to the funds at its disposal, by simultaneously stopping all expenditure on services imperatively required for the peace and welfare of the Colony, which must correspondingly suffer, both in the present and future, from the stoppage of such services. Ministers can confidently appeal to his Excellency's knowledge of the financial position of the Colony, and the circumstances by which it has for some time been affected in support of these statements.

With a view, however, to the present diminution of any charge on this account on the commissariat chest, and to its gradual removal altogether as soon as practicable, Ministers will adopt the following measures:—

A money allowance of one shilling and sixpence (1s. 6d.) a day will be again offered to the Waikato military settlers instead of rations, and will be issued monthly to those who are willing to accept it.

Notice will be given that after the 30th of June next the women and children will not receive rations in kind, but will have a proportionate money allowance at the above rate.

The Government agent at Auckland will be requested to ascertain and report whether tenders within the power of the Government to accept can be obtained for the supply of rations to the Colonial troops at Tauranga and at Miranda redoubt.

Wellington, April 13, 1866.

(Signed) E. W. STAFFORD.

No. 8.

No. 8.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 45.)

Government House, Wellington, May 14, 1866.

(Received, July 16, 1866.)

(Answered, No. 6, July 26, 1866, page 15.)

SIR,

In my Despatch, No. 42,* of the 12th instant, I transmitted a memorandum from my Responsible Advisers showing that the sum of 405,146l. 11s. had been paid from the Colonial Treasury on account of the Imperial troops.

2. I thought it desirable that further explanations should be afforded in regard to an item which appeared in the account attached to the memorandum, which item related to "roads for military purposes."

3. I have now the honour to enclose for your information an additional memorandum which I have received from my Responsible Advisers on this subject.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

May 12, 1866.

Encl. in No. 8.

Enclosure in No. 8.

MEMORANDUM.

THE Governor having desired some information with respect to the charges for "roads for military purposes," referred to in the statement which accompanied their memorandum of the 10th April, Ministers have to state as an indication of the character of the charges under that head, that it comprises the cost of felling the timber for one hundred yards on each side of the road leading from Drury to the Queen's redoubt and the camp at Pokeno.

That work was performed at the urgent request of Sir Duncan Cameron, who alleged that it was required for the safety of the troops passing along the road to and from camps. The Colonial Govern-

ment did not hold that opinion, but deferred to the pressing instance of General Cameron, from a desire that no grounds which could be removed by them might be left to excuse inaction on the part of the troops in the presence of the enemy. The funds of the Colony were accordingly employed in the very expensive work in question, which the Colonial Government then and since, in common with others, considered to be useless.

Wellington, May 12, 1866.

(Signed) E. W. STAFFORD.

NEW
ZEALAND.

No. 9.

No. 9.

TELEGRAM from Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL,
Secretary of State.

(Received, July 21, 1866.)

Country tranquil. Assembly meets 30th June. All going well.

Wellington, June 14, 1866.

No. 10.

No. 10.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right
Honourable EDWARD CARDWELL, M.P.

(No. 49.)

Government House, Wellington, May 28, 1866.

(Received, August 13, 1866.)

(Answered, No. 20, September 3, 1866, page 24.)

SIR,

I HAVE the honour herewith to transmit a petition addressed to Her most Gracious Majesty by Mr. Whitaker, the Superintendent of the Province of Auckland, praying that the northern portion of the Colony of New Zealand may be created into a separate and independent Colony.

May 15, 1866.

2. I at the same time have the honour to enclose a copy of a memorandum I have received from my Responsible Advisers to the effect that in their belief a compliance with the prayer of Mr. Whitaker's memorial would be most injurious to the welfare of the Colony.

Mr. Stafford,
May 28, 1866.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

Enclosure 1 in No. 10.

Encl. 1 in
No. 10.

SIR,

Superintendent's Office, Auckland, May 15, 1866.

I HAVE the honour to enclose a petition from myself as Superintendent of Auckland to Her Majesty the Queen, and shall feel obliged if you will move his Excellency the Governor to transmit it to the Secretary of State for the Colonies for presentation to Her Majesty in the usual manner.

I have, &c.

The Hon. the Colonial Secretary,
Wellington.

(Signed) FRED. WHITAKER,
Superintendent.

TO THE QUEEN'S MOST GRACIOUS MAJESTY.

The humble Petition of the Superintendent of the Province of Auckland,

SHEWETH,

That an election of a Superintendent for this Province of New Zealand has recently taken place, when Your Majesty's petitioner was elected without any opposition.

That the principal ground of the unanimity which prevailed in favour of your petitioner's election was his well-known views in favour of the erection of the northern portion of these islands into a separate Colony.

That Your Majesty's petitioner has long felt that a separate Government would be very advantageous, but his more recent experience as Superintendent of this Province has thoroughly satisfied him that a separate Government is essential to the peace, order, and good government of this portion of Your Majesty's Colony.

Your petitioner therefore humbly prays that the northern portion of the Colony of New Zealand may be speedily erected into a separate and independent Colony.

Auckland, New Zealand, May 10, 1866.

(Signed) FRED. WHITAKER,
Superintendent.

NEW
ZEALAND.

Enclosure 2 in No. 10.

MEMORANDUM for the GOVERNOR.

RECOMMENDED that in accordance with Mr. Whitaker's request the accompanying petition be transmitted to the Secretary of State. Ministers do not concur in the prayer of the petition, and believe that a compliance with it would be most injurious to the welfare of the Colony, and would not only naturally retard its advancement in the future, but also take away from its ability to provide for its existing burdens.

May 28, 1866.

(Signed) E. W. STAFFORD.

No. 11.

No. 11.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Honourable EDWARD CARDWELL, M.P.

(No. 61.)

Government House, Wellington, June 14, 1866.

(Received, August 13, 1866.)

(Answered, No. 12, August 20, 1866, page 21.)

SIR,

By a telegram* I have this day sent you, you will have learned that tranquillity still continues to prevail throughout New Zealand, and that in other respects the state of the Colony appears to be rapidly improving.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

* Printed as
No. 9 in Series,
page 13.

Despatches from the Secretary of State.

NEW
ZEALAND.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor
Sir GEORGE GREY, K.C.B.

(No. 4.)

SIR,

Downing Street, July 25, 1866.

I HAVE the honour to acknowledge the receipt of your Despatches of the numbers
and dates noted in the margin, informing me of your visits to
the interior of the Island and of the result of the interviews
which you had had with several of the Native chiefs, and more
particularly with William Thompson, whose complete submission to the authority of the
Queen I understand to be now accomplished.

No. 33, March 28, page 1.

No. 34, March 29, page 1.

No. 36, May 3, page 2.

I infer that the tribe of the Ngatimaniapotos is the only large section of the Natives
who stand aloof from the pacification, and I have to express my satisfaction at the great
progress which has been made towards establishing a friendly understanding with so
many influential chiefs, and my hope that no untoward event may occur to interrupt these
friendly relations and arrest the course of improvement which they are calculated to
promote.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor
(No. 6.) Sir GEORGE GREY, K.C.B.

SIR,

Downing Street, July 26, 1866.

I HAVE to acknowledge the receipt of your Despatches as noted in the margin,
having reference to matters of account between the Colonial
and Imperial Treasuries.

No. 42, May 12, 1866, page 8.

No. 43, May 12, 1866, page 10.

No. 45, May 12, 1866, page 12.

I have forwarded copies of your Despatches to the Treasury,
but you will have learnt from Mr. Cardwell's Despatch, No. 32, of the 26th March,
that it was the wish of Her Majesty's Government that, as recommended by your
Advisers, some person should be appointed on behalf of the Colony who might be
authorized to examine these accounts with Commissary-General Jones, in order that some
definite agreement might be arrived at as to the precise amount of the liabilities of the
Colony to the Imperial Treasury.

Governor Sir GEORGE GREY, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor
(No. 7.) Sir GEORGE GREY, K.C.B.

SIR,

Downing Street, July 26, 1866.

I HAVE to acknowledge the receipt of your Despatch of the 14th May, No. 44,*
forwarding copy of a correspondence with your Responsible Advisers respecting the issue
of rations from the commissariat for local services, and reporting, as you had previously
done by your telegraphic message, that pending the receipt of further instructions you
had authorized the continued issue of rations on repayment of their cost monthly.

I transmit to you a copy of a letter on this subject addressed to me by desire of
the Secretary of State for War, together with a copy of the answer I directed to be
returned to it.

* Page 10.

July 18, 1866.

July 25, 1866.

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ZEALAND.

I have to instruct you to guide yourself in accordance with the terms of that letter, and to inform you that General Peel will by to-day's mail convey to Major General Chute instructions to the same effect.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.

Enc. 1 in No. 3.

Enclosure 1 in No. 3.

SIR,

War Office, July 18, 1866.

WITH reference to your letter of the 26th ultimo and previous correspondence, respecting the issues of rations by the commissariat to the Colonial forces in New Zealand, I am directed by Secretary Lieutenant-General Peel to transmit, for the information of the Earl of Carnarvon, the accompanying copies of a further correspondence on the subject, which has been received from the Major-General commanding the troops in that Colony.

Sir Frederic Rogers, Bart.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD LUGARD.

SIR,

Head Quarters, Auckland, May 7, 1866.

WITH reference to my letter of the 7th ultimo, No. 112/66, relative to the issues of pay and rations to the Colonial forces by the commissariat, I have the honour to forward for the information of the Right Honourable the Secretary of State for War the copy of a further communication I have felt it my duty to address to the Governor of New Zealand on the subject. To this letter I have at present received no reply.

The Under Secretary of State,
War Office, London.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Head Quarters, Auckland, April 20, 1866.

WITH reference to an interview I had the honour of having with your Excellency on the 23rd ultimo, when I brought under your Excellency's notice the large amount of rations as per enclosed return now being issued daily by the Commissariat Department to the Colonial forces and Natives in various parts of New Zealand, amounting to between three and four thousand rations daily, I have the honour to remind your Excellency that these issues are still being continued, entailing not only a large Imperial expenditure in the actual cost of the supplies, but also in the pay of extra Commissariat officers and employées, whose services might now be dispensed with if these issues were discontinued; and under these circumstances, in the absence of any reply to my letter of the 7th Dec. 1865, No. 381/65, I feel it my duty to limit the further issue of rations to the Colonial forces by the commissariat to the 31st of May next, on which date I have directed the officer in charge of that department to discontinue supplying them.

I have also to draw your Excellency's attention to the accompanying copy of a letter I received by the February mail from the Under Secretary of State for War, in which I am instructed that my warrants for unapproved expenditure will henceforth necessarily cease, and as it is clearly the intention of Her Majesty's Government that the troops are not for the future to be dispersed in distant and isolated posts, I beg most urgently to request that I may at once be permitted to withdraw Her Majesty's troops from the outposts in each district, and to concentrate them at the chief towns, viz., Wanganui, New Plymouth, and Auckland, and should your Excellency think it necessary, at Wellington or Napier; thus enabling me to dispense with all inland transport, for which no provision has now been made by Her Majesty's Government.

I have further to submit for your Excellency's consideration the copy of a statement furnished by the Deputy Commissary General, showing the monthly cost of the maintenance of Imperial troops in New Zealand beyond that provided for in the estimates of the current year. This expenditure under recent instructions, will, in my opinion, necessarily be a charge against the Colonial Government from the 1st instant, the commencement of the financial year, until such time as I am empowered by your Excellency to withdraw the troops from the outposts.

I have, &c.
(Signed) T. CHUTE,
Major-General.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

April 20, 1866.

Mar. 21, 1866.

Dec. 26, 1865.

April 20, 1866.

STATEMENT showing the Number of Rations issued to Colonial Forces at all Stations in New Zealand on the Dates below specified, being the latest to which Returns have been received.

NEW
ZEALAND.

Station.	No. of Rations daily in Kind.	Date of latest Return.	Return.
Auckland and Onehunga - - -	14	—	
Ngarnawahia, for Hamilton and Cambridge - - -	2,000	16 March 1866.	
Whata Whata - - -	42	9 "	
Te Awamutu - - -	24	9 "	
Rangiawhia - - -	30	9 "	
Kehi Kehi - - -	198	9 "	
Alexandra - - -	576 $\frac{1}{4}$	9 "	
Thames District - - -	116	16 "	
Tauranga - - -	194	16 "	
Napier - - -	14	1 "	
Wairoa Expeditionary Force - - -	110	1 "	
Matepero Ngaruoro - - -	22	1 "	
Lambert Redoubt - - -	37	1 "	
Waipakaarau - - -	9	1 "	
Wanganui - - -	90		
Patea - - -	1		
Manawapou - - -	1		
Waingongoro - - -	5		
North of Waitara - - -	—	115*	{ * No. for whom money is drawn.
Te Arei - - -	1		
Oakura - - -	1		
Stoney River - - -	8		
Warea - - -	80		
Opunaki - - -	4		
Total - - -	3,577 $\frac{1}{4}$	115	
		3,692 $\frac{1}{4}$	

Commissariat, New Zealand,
Auckland, March 21, 1866.
(Signed) H. STANLEY JONES,
Commissary-General.

APPROXIMATE STATEMENT of the Cost of the Maintenance of Imperial Troops in New Zealand beyond that provided for in the Estimates of the current Year.

Date.	Strength in Rations.	Monthly Expenditure.	Monthly Cost per Annum.	Remarks.
January 1866 - -	9,568	£ 62,562	£ 6 $\frac{5}{100}$	
Estimate - -	3,191	18,666	5 $\frac{8}{100}$	
1 April 1866, 7,000, less 3,191 provided for in Estimates }	3,809	24,910 $\frac{8}{100}$	6 $\frac{5}{100}$	{ Or upwards of a quarter of a million per annum which is unprovided for, and therefore unauthorized ; as such it is chargeable to the Colony.

N.B.—The cost per man per month of the 3,191 men estimated for will be increased by about 1*l.* per man per month if they are employed at outposts, as at present, instead of in garrisons as directed.

(Signed) E. STRICKLAND,
Deputy Commissary-General.
Commissariat, New Zealand,
Auckland, April 20, 1866.

Enclosure 2 in No. 3.

Encl. 2 in No.3.

SIR,
I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 18th instant, with copy of one addressed by Major-General Chute to Governor Sir George Grey on the 30th April last.

As regards the issue of rations from the commissariat for Colonial purposes to which Major-General Chute refers, I am to request that you will lay before General Peel for his information the accompanying copy of a Despatch* from Sir George Grey on the subject, enclosing a copy of a Minute he addressed to his Ministers on the receipt of General Chute's Despatch above referred to.

In my letter of the 26th ultimo I informed you, by Mr. Cardwell's desire, that he saw no objection to a continuance of such an issue of rations if they were actually paid for monthly, and provided the commissariat establishment was not retained longer than was required for Imperial purposes.

* No. 44,
May 14, 1866,
page 10.

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ZEALAND.

This letter may be considered as approving the temporary arrangements which had been entered into for the issue of rations to the Colonial forces, but as anticipating a speedy termination to these arrangements by the withdrawal of the Imperial troops.

But before receiving a copy of that letter Sir G. Grey will have received previous Despatches conveying a peremptory prohibition of the issue of rations, and before he can receive any instructions by this mail the Imperial force in New Zealand will be so reduced that there will be no longer any reasonable ground for retaining in the Colony a commissariat establishment capable of being used for those Colonial purposes for which it has been hitherto applied.

It is therefore probable that the issue of rations will have been discontinued, and not recommenced, and consequently that no further instructions on this subject will be necessary. And this expectation is strengthened as well by the last sentence of Sir G. Grey's present Despatch, in which he states that the Colonial Government are making every effort to provide for the rationing of the local forces at as early a date as possible, as by the Minute of his Ministers of the 13th of April, in which they state that few rations will be required for military settlers after some months.

It appears, therefore, to Lord Carnarvon that this question will be disposed of by instructions to Major-General Chute little differing from those which he has already received, viz., that he is to go on sending from the Colony, as speedily as transport can be obtained, all troops, including Artillery Transport Corps and Commissariat, except one Regiment of Infantry, and that also, unless he is informed by the Governor that 50,000*l.* per annum is devoted to native purposes, that he is to consider the troops now in the Colony as there not for any Colonial purpose, but merely for the purpose of embarkation, and to be disposed of in reference to considerations of an economical and sanitary character. His Lordship would further suggest that General Chute should be cautioned that he must not incur any expense in respect of these troops in the way of transport or otherwise on any mere expectation or understanding that such expense will be repaid by the Colony.

If the issue of rations should have been discontinued and not recommenced in consequence of Mr. Cardwell's Despatch of the 26th June it should not be resumed. If, however, it has been recommenced it ought not to be abruptly discontinued, but it will be most conveniently determined by the immediate removal of the bulk of the commissariat establishment from New Zealand.

I am to add that if General Peel should think that instructions to this effect should be given to the officer in command, a copy of this correspondence shall be sent to Sir George Grey for his information and guidance by the mail of the 26th instant.

The Under Secretary of State for War.

I have, &c.
(Signed) T. F. ELLIOT.

No. 4.

No. 4.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor Sir GEORGE GREY, K.C.B.

(No. 10.)

SIR,

Downing Street, August 11, 1866.

WITH reference to my predecessor's Despatch of the 26th January, No. 12,* I transmit to you for your information copies of two letters from the War Office dated the 26th and 30th July respectively, enclosing Despatches from Major-General Chute in explanation of his statement to which you had referred in yours of the 14th November, No. 147,† that he had received no instructions to send home, in accordance with your request, a part of the Royal Artillery and Military Train serving in New Zealand.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.

Encl. 1 in No. 4.

Enclosure 1 in No. 4.

SIR,

War Office, July 26, 1866.

WITH reference to your letters of 18th and 26th January last, relative to the removal of troops from New Zealand, I am directed by Secretary Lieutenant-General Peel to transmit to you, for the information of the Earl of Carnarvon, the accompanying copy of a letter, dated 20th April, which has been received from the Major-General commanding in that Colony on the subject.

Sir Frederic Rogers, Bart.,
&c. &c. &c.

I have, &c.
(Signed) EDWARD LUGARD.

SIR,

Head-quarters, Auckland, April 20, 1866.

I HAVE the honour to acknowledge the receipt of your letter of the 24th January last, No. 919, forwarding to me the copy of a Despatch from Governor Sir George Grey to the Secretary of State for the Colonies.

In your letter you remind me that, by Lord De Grey's Despatch of the 27th February, Lieut.-General Sir D. A. Cameron was directed to send home, in addition to the five battalions of infantry then ordered home, any portion of the regular troops remaining in the Colony which the Colonial authorities might

* Vide Papers presented 26th June, 1866, page 110.

† Vide Papers presented 26th June, 1866, page 7.

April 20, 1866.

wish to be withdrawn, and you inquire why I had not already reported that Sir George Grey had recommended the despatch of the royal artillery and the military train to England, and also the reasons which led me to inform the Governor that "no authority had yet been received from the Secretary of State for War for the return of any part of those troops to England."

In reply, I have to state, for the information of the Right Honourable the Secretary of State for War, that the only communication ever made to me by the Governor on the subject of a despatch of a part of the royal artillery and military train to England was during a conversation in the month of October or November last, when he suggested that a part of the royal artillery and military train should be sent home *in lieu* of two of the five regiments specially ordered to be withdrawn; I felt, however, that until the special instructions regarding the departure of five regiments had been complied with I was not authorized in adopting his Excellency's suggestion.

It must be remembered that at the time referred to only one of the five regiments had embarked, and that then and for some time after I was urgent in my application to Sir George Grey, both verbal and written, for authority to withdraw from the out-stations the troops required for embarkation. On this subject I refer you to my letter to his Excellency of 13th October asking permission to withdraw the 70th Regiment from Napier, a copy of which I forwarded in my Despatch of the same date, No. 145, to the Secretary of State for War. To this letter I was not favoured with any reply from Sir George Grey until the 22nd of the following month (seven days after the date of his Despatch to the Secretary of State for the Colonies), and then only on my proceeding again to Wellington, and personally applying to his Excellency for an answer in order to enable me to carry out my instructions; I cannot, therefore, avoid the conclusion, that at the time His Excellency wrote his Despatch of the 14th November the nature of his suggestion relative to the royal artillery and military train had escaped his recollection as well as the fact that I was at that moment awaiting his Excellency's permission to withdraw the 70th Regiment from Napier for embarkation.

With regard to the military train, I must observe that besides considering his Excellency's proposal inadmissible, consistently with the tenor of my instructions, I deemed it unadvisable to send home an important part of the transport of an army before the army itself, especially having in view the vast saving of expenditure which I at the time hoped and have since been able to make, by disbanding the Commissariat Transport Corps and supplying their place with the military train; and it is satisfactory to me to know that this arrangement is in accordance with the wishes of the Secretary of State for War, as expressed in paragraph 5 of his Lordship's letter of the 27th November.

As to my having informed his Excellency that "no authority had been received from the Secretary of State for War for the return of any part of these troops to England," I would observe that I did not do so by any means in forgetfulness of the instructions conveyed in the Despatch to General Cameron, by which he was empowered to make any further reductions beyond five regiments which the Colonial Government might request, but I intended thus to impress upon his Excellency that the specific instruction I had received for the return of five regiments which had been named did not admit of my substituting for battalions of infantry the two corps he suggested, whose services might yet, by subsequent instructions, be diverted to India, China, or elsewhere, at the same time I stated that I was prepared to obey any order his Excellency gave me officially on the subject.

It is with much concern that I find myself thus compelled to differ from His Excellency as to the nature of his verbal communication to me regarding the withdrawal of part of the royal artillery and of the military train, and I regret that His Excellency did not see the necessity of writing his wishes on so important a subject.

From the time I have assumed this command my earnest endeavour has been to expedite the reduction ordered in the strength of Her Majesty's forces as well as in the several military departments; but it must be borne in mind that, although his Excellency may have in a general way placed troops at my disposal for removal to England, as in his letter of the 9th August 1865 relative to five regiments, and his subsequent letter of the 17th January last respecting the whole of Her Majesty's forces, yet it is out of my power to withdraw any troops from any particular post for embarkation without his Excellency's sanction, and I only regret that, in addition to the general assent expressed in Sir George Grey's letter of 9th August, I had not at the time he wrote his Despatch of the 14th November received a more ready approval of the measure I had a month before submitted to him to enable me to carry out my orders.

The Under Secretary of State,
War Office, London.

I have, &c.
(Signed) T. CHUTE,
Major-General.

P.S.—A copy of this letter has been transmitted to his Excellency the Governor.

Enclosure 2 in No. 4.

SIR,

In continuation of my letter of the 26th instant on the subject of the removal of troops from New Zealand, I am directed by Secretary Lieutenant-General Peel to transmit for the information of the Earl of Carnarvon copies of a further correspondence which has been received from the Major-General Commanding on the subject.

Sir Frederic Rogers, Bart.,
&c. &c.

I have, &c.
(Signed) EDWARD LUGARD.

SIR,

Head-quarters, Auckland, May 7, 1866.

REFERRING to my letter of the 20th ult., No. 128/66, I have the honour to forward for the information of the Right Hon. the Secretary of State for War the enclosed copy of a Telegram I have received from his Excellency the Governor, together with the copy of my reply, and, in accordance

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ZEALAND.

with his Excellency's request, I beg to transmit for his Lordship's information copies of the notes which had passed between his Excellency and myself on the subject of his Despatch of the 14th November, 1865, to the Secretary of State for the Colonies.

I had hoped that by addressing his Excellency as I did in my note of the 10th April he would have availed himself of the opportunity of correcting the statement made in the 3rd paragraph of his Despatch of the 14th November, and thus saved me the necessity of making the official explanation which I have been compelled to do in my letter of the 20th ult.

With regard to that part of his Excellency's note in which he urges on me the necessity of residing at Wellington, my letter of the 7th ultimo, No. 154, has already placed his Lordship in possession of the correspondence which has taken place on the subject, and my opinion still is that, under the present circumstances of this command, Auckland is the proper place for my head-quarters.

The Under Secretary of State,
War Office, London.

I have, &c.
(Signed) T. CHUTE,
Major-General.

TELEGRAM from Sir GEORGE GREY, K.C.B., Raglan, *via* Whata Whata, to General CHUTE, Auckland.

Your letter to the Secretary of State for War, 20th April, has just reached me; if you send it will you be so good as to send at the same time copies of your note to me at Kawau on this subject and of my answer to it, and of this Telegram, to enable him to forward true opinion of the matter.

Mr. Thatcher, at Kawau, can furnish you with copies. Please telegraph at once what you will do. M. M. Messenger waiting at Whata Whata for reply.

TELEGRAM from Major-General CHUTE, Auckland, to the GOVERNOR, Raglan, *via* Whata Whata.

May 4, 1866.

Your Excellency's Telegram reached me at 9.30 last night. The copies of letters will be forwarded as requested.

Please send Telegram for me by special messenger to Whata Whata whether I may at once withdraw the 14th Regiment from Whanganui and Napier to Auckland for embarkation to the Australian Colonies in compliance with the peremptory orders from home.

(Signed) T. CHUTE,
Major-General.

MY DEAR SIR GEORGE,

Auckland, April 10, 1866.

I HAVE received a letter from the War Office calling upon me for an explanation in reference to the third paragraph of your Despatch to the Secretary of State for the Colonies of the 14th November last.

This communication has been made to me, I imagine, under a misapprehension caused by the wording of the paragraph in question, which has unfortunately conveyed to the authorities at home the impression that your suggestion to me to send home part of the Royal Artillery and Military Train referred to troops leaving New Zealand in addition to the first five regiments; but I feel so satisfied that it has been an oversight that I consider it right to afford you an opportunity of correcting it, and if you will be good enough to do so I shall be obliged by your furnishing me with an official document that will be itself a sufficient answer to Sir Edward Lugard's letter, of which I beg to enclose you a copy. This will avoid the necessity of my entering into a detailed explanation, and I am truly anxious to avoid even the appearance of a difference between us.

I had prepared my reply to the letter when it occurred to me that it would be much better answered in the way I venture to propose.

His Excellency Sir George Grey, K.C.B.

I have, &c.
(Signed) T. CHUTE.

MY DEAR GENERAL,

Kawau, April 13, 1866.

I HAVE received your letter of the 10th of April. There has been no misunderstanding on my part regarding sending the Royal Artillery and Military Train home. I thought that the greater part of the Artillery and of the Military Train were, at the time I spoke to you, useless here, and that they ought to be sent home without any reference to the five regiments which were going home. It was with this view I pressed the matter on you at Wellington. My view was that they ought to go at once, in addition to the five regiments which were being sent home. I am very sorry that there was any misunderstanding of my meaning, but I do not see how that aids the matter, if my view of the question is the right one, viz., that the Artillery were really not required here, the answer I understood you to give seemed at the time the right one, viz., that the Secretary of State for War had not given the necessary authority to you to send these regiments home from the Colony. They might have been wanted in India or elsewhere. I am sure this answer will satisfy the authorities. The only way, in my belief, in which we can both do our duty efficiently and satisfactorily with regard to sending the troops home is by our both living in the same place, otherwise frequent misunderstandings must take place. I am sure our duty to the State requires this, and I have often pressed it on you. I must reside at Wellington, and I am sure if you think it over you will agree in this view of the case. I sail for Kawhia this evening; my movements after leaving that place are uncertain; I may have to go on to Wellington.

I have, &c.
(Signed) G. GREY.

No. 5.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor
Sir GEORGE GREY, K.C.B.

NEW
ZEALAND.
No. 5.

(No. 12.)

SIR, Downing Street, August 20, 1866.

I HAVE the honour to acknowledge the receipt of your telegram of the 14th June,* reporting that tranquillity prevailed in New Zealand, and that the state of the Colony was improving.

* Page 13.

I have also to acknowledge the receipt of your Despatch, No. 61,† of the 14th June, reporting the transmission of that message.

† Page 14.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.

No. 6.

No. 6.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor
Sir GEORGE GREY, K.C.B.

(No. 13.)

SIR, Downing Street, August 21, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 41,‡ of the 8th May last, enclosing a very clear and specific statement from Dr. Featherston respecting the purchase of the Waitotara block.

‡ Page 4.

Judging from the statements now before me I see no reason to conclude that the sale was an improper one, and as the matter is one over which the Imperial Government now claims no control, I see no reason for pursuing any further inquiry into it.

Mr. Field's letter of the 7th September 1865 was laid before Parliament by Mr. Cardwell with other papers received at the same date, and a similar course will be taken with Dr. Featherston's statement.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.

No 7.

No. 7.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor
Sir GEORGE GREY, K.C.B.

(No. 16.)

SIR, Downing Street, August 27, 1866.

WITH reference to my predecessor's Despatch, No. 66,§ of the 25th of June, and to mine of the 26th of July, No. 7,|| and 11th of August, No. 10,¶ respecting the proposed removal of the military head-quarters from Auckland to Wellington, and the issue of rations to the local forces in New Zealand, I have the honour to transmit to you for your information a copy of a letter from the War Office enclosing copies of two further Despatches from Major-General Chute, in which these subjects are adverted to.

§ Vide Papers
presented
26th June, 1866,
page 134.
|| Page 15.
¶ Page 18.

21 Aug. 1866.

You have received full instructions for your guidance on these and the other questions referred to. As, however, it appears that Major-General Chute intended, in deference to your earnest representations, to move his head-quarters from Auckland to Wellington, I do not feel that it is necessary that this temporary arrangement should be interfered with.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.

Enclosure in No. 7.

Encl. in No. 7.

SIR, War Office, August 21, 1866.
WITH reference to your two letters of the 25th of June and to that of the 25th July last, on the subject respectively of the issue of rations to the local forces of New Zealand, and to the proposed removal of the military head-quarters from Auckland to Wellington, I am directed by Secretary

NEW
ZEALAND.

Lieut.-General Peel to transmit for the information of the Earl of Carnarvon, and with a view to any further instructions which his Lordship may deem it advisable to address to Sir George Grey thereupon, copies of two Despatches, with their enclosures, which have been received from the Major-General Commanding the Forces in New Zealand on these subjects.

Sir F. Rogers, Bart.,
&c. &c.

I have, &c.
(Signed) LONGFORD.

SIR,

Head-quarters, Auckland, June 8, 1866.

IN acknowledging the receipt of your letter of the 26th March 1866, giving cover to the copy of a Despatch from Mr. Secretary Cardwell to Sir George Grey relative to the withdrawal of Her Majesty's troops from New Zealand, I have the honour to report for the information of the Right Hon. the Secretary of State for War with reference to my letters of the 7th ultimo, Nos. 165/66 and 166/66, that the last division of the 40th Regiment will embark on the 13th instant, and the C. battery Royal Artillery with the 6th company Royal Engineers will follow immediately, but I have not yet been authorized by his Excellency the Governor to withdraw Her Majesty's troops from the outposts in the Whanganui and Taranaki districts, to enable me to despatch the 2/14 and head-quarter wing of the 50th regiments to Australia or any other troops to England.

In my letter of this date, No. 212/66, I have forwarded copies of two letters addressed to me by his Excellency the Governor. On the receipt of the first (dated 10 May) I at once proceeded to Wellington, and though it was necessary that I should for a time return to Auckland, I am now, in consequence of the peremptory nature of His Excellency's letters, making arrangements for the removal of my head-quarters to Wellington, where I hope to be established by about the 25th instant, but I do not for the present purpose moving the various departments from hence to Wellington until I receive a reply to my letter of the 7th April last, No. 154, addressed to his Lordship.

I regret to find his Excellency entertains the opinion that the fact of my head-quarters being at Auckland instead of Wellington has been productive of considerable expense, more particularly as when his Excellency first proposed in November last their removal to Wellington, I endeavoured at the time to explain to his Excellency the inconvenience and expense of such a change, and to my letters addressed to his Excellency on this subject in December last, of which copies were forwarded in my Despatch of the 7th April last, No. 154, I had received no reply until his letter of the 10th May.

The Under Secretary of State,
War Office.

I have, &c.
(Signed) T. CHUTE,
Major-General.

P.S.—I beg to enclose copies of two letters I have addressed to Sir G. Grey on the subject of the withdrawal of troops from New Zealand.

SIR,

Head-quarters, Auckland, May 7, 1866.

WITH reference to my letter of the 23rd ult., No. 130/66, and previous letters on the subject of the withdrawal of Her Majesty's troops from this Colony, I have the honour to forward for your Excellency's information the copy of a communication from the Under Secretary of State for War, with enclosure from the Colonial Office, received by the last mail, from which your Excellency will perceive that my instructions are peremptory to take immediate steps to send away from New Zealand all troops in excess of three battalions of infantry and one battery of artillery, and I have again to urge on your Excellency the necessity of empowering me to withdraw the troops from the outposts to enable me to carry out these instructions.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Head-quarters, Auckland, May 12, 1866.

I HAVE the honour to inform your Excellency that, in anticipation of your Excellency's sanction to my withdrawing Her Majesty's troops from the outposts in the Wanganui, Taranaki, and Napier district, which I hope to receive by the mail leaving Wellington on the 9th instant, in reply to my letters of the 20th April, No. 127/66 and 23rd April, No. 130/66, I have directed the officer in charge of the Commissariat Department to discontinue sending further supplies to the outposts in these districts, and the officers commanding them have been instructed to be prepared to withdraw the troops from the outposts under their command at the shortest possible notice. This will enable me to concentrate at Otahuhu the 2/14 regiment from Whanganui and Napier, and the head-quarter wing of the 50th from Taranaki for removal to the Australian Colonies.

I have taken this step in order to expedite the carrying out of the peremptory instructions which your Excellency is already aware I have received from home relative to the despatch of troops to Australia, which will now be the first to leave the Colony.

I trust I may by the same opportunity be favoured with your Excellency's sanction to withdraw the whole of Her Majesty's troops from the outposts in the command, as requested in my letter of the 20th April, No. 125/66.

His Excellency Sir George Grey, K.C.B.,
Wellington.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Head-quarters, Auckland, June 8, 1866.

NEW
ZEALAND.

I HAVE the honour to acknowledge the receipt of your letters of the 15th and 26th March enclosing copies of Despatches from Mr. Secretary Cardwell to Governor Sir George Grey, dated 26th February and 26th March respectively, on the subject of advances made from the Treasury chest for pay and rations to the Colonial forces in New Zealand; and with reference to my letter of the 7th ultimo, No. 164/66, I beg to forward for the information of the Right Hon. the Secretary of State for War copies of a further correspondence between his Excellency and myself relative thereto.

In my letter of the 7th April last, No. 118/66, I report that I had, since the 22nd December, ceased to grant warrants for the pay of the local forces, and it was my intention to have stopped the supply of rations from the 1st June, having issued to the commissariat officer in charge instructions accordingly. On the receipt of his Excellency's letter of the 21st May, however, I cancelled that order, and the issue of rations is still continued on the understanding that their cost be paid for monthly from the 1st instant by the Colonial Government.

The Under Secretary of State,
War Office, London.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Government House, Wellington, May 10, 1866.

I HAVE the honour earnestly to repeat the request I have on several occasions made to you, in the most urgent manner, that you would reside at the seat of Government at Wellington.

I have no desire that you should move here the various military establishments; the presence of yourself and such members of your personal staff as you may deem requisite are the only persons whose presence at this place is necessary.

The additional charges on account of military expenditure entailed on Great Britain and the Colony by your non-compliance with my request on this subject must, in my belief, have already been considerable.

Until recently, during the experience of very many years, the officer commanding Her Majesty's forces in any Colony where I might be has always, when important arrangements were in progress, resided near me. We have been in constant consultation upon all subjects connected with the military service of the country, and no correspondence has passed between us on any subject until it had been well considered. Hence perfect unanimity has prevailed, and no communication was ever made to Her Majesty's Government until it had been thoroughly weighed, and the relations between the Colony and the Home Government were satisfactorily conducted at a far less cost to the mother country than has recently been the case.

You will, I am sure, feel with me that it is your duty to be near me; at present you can, in truth, render me no assistance, instead of giving that aid which it was clearly the intention of Her Majesty's Government you should render to the local authorities, and I see that the result of the present system must be renewed misunderstanding and injury to the service.

I have in my previous correspondence in the most earnest manner requested you to reside at the seat of Government, and as my request so earnestly made has not been complied with, you will I am sure pardon me acting as I am solely with a view to my own justification, in now directing you in as far as I am empowered to do so to make this place your head-quarters until a reply to this letter can be received from Her Majesty's Government.

I write this letter as much in the interest of the Home Government as in that of the Colony, for it is impossible for me to make the necessary arrangements for the reduction of the several posts, and the rapid return of the troops to Europe, and the reduction of the military expenditure, without frequent personal communication with yourself. Nor indeed can you, who are my proper adviser on such subjects and the proper organ of communication in relation to them with the military authorities in England, fulfil satisfactorily your duty in either of these respects unless you are in possession of that information regarding the state of this country which you can alone acquire at the seat of Government.

In the hope that I shall now immediately see you here, and have an opportunity of discussing with you in detail the several subjects regarding which you have recently written to me, I request you will suspend any orders you may have given respecting the reduction of the troops or the stoppage of the issue of rations to the local forces until we have had an opportunity of meeting and discussing the present state of the Colony.

The Honourable Major-General Chute,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

SIR,

Head-quarters, Auckland, May 15, 1866.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 10th instant, directing me to proceed to Wellington immediately, which I will at once do.

I refrain at present from making any comment on your Excellency's letter, it will be my duty to forward a copy of it to the Right Hon. the Secretary of State for War with a full explanation.

With regard to the request in the latter part of your letter that I would suspend any orders I had given for the reduction of the troops and the stoppage of the issue of rations to the local forces, I have the honour to inform you that I have not given any orders for the removal of troops, except such as are in accordance with the letters already received from your Excellency, and that with regard to the issue of rations to the local forces, I beg to state that in the absence of any reply to my letter of the 7th December last, No. 381/66, in which I asked your Excellency to inform me whether the circumstances under which these issues were then made amounted to a pressing and extraordinary emergency

NEW
ZEALAND.

affecting the safety of the country, it is wholly out of my power without such an assurance from your Excellency to continue after the 31st instant an expenditure so expressly prohibited in my instructions from home.

His Excellency Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) T. CHUTE,
Major-General.

SIR,

Government House, Wellington, May 21, 1866.

IN reply to your letter of the 15th inst., I have the honour to state that I consider the circumstances under which issues of rations to the Colonial forces continue to be made amount to a pressing and extraordinary emergency affecting the safety of the Colony; but to remove in as far as possible the objections made to such issues, I have arranged with the local Government that, from and after the 1st of June next, they will pay at the beginning of each month at the Colonial Treasury the cost of all rations issued during the preceding month to the local forces; the payment for all rations so issued in June will therefore be payable at the Colonial Treasury on any day after the 1st of July next.

The Colonial Government is also making arrangements as rapidly as it can to supply the Colonial forces with rations.

The other questions regarding the reduction of posts I will arrange with you when you have established your head-quarters at Wellington. As this is now to be done at once no material delay in the conduct of the service will take place, but until it has been done I cannot obtain from time to time the information which is necessary to enable me to decide what posts should be reduced or abandoned, in order that this service may be conducted so as to secure at once the safety of the Colony, the minimum of cost both to the mother country and the Colony, and the greatest expedition in point of time.

These are all points which require great care and nicety of consideration in a Colony which has passed through a crisis such as this has, from which it has yet hardly entirely emerged.

The Hon. Major-General Chute,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 8.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor
Sir GEORGE GREY, K.C.B.

(No. 20.)

SIR,

Downing Street, September 3, 1866.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 49,* of the 28th of May forwarding with a memorandum on the subject from your Responsible Advisers a petition addressed to the Queen by Mr. Whitaker, the Superintendent of the Province of Auckland, praying that the northern portion of the Colony of New Zealand may be erected into a separate and independent Colony.

I request that you will inform Mr. Whitaker that his petition has been laid before the Queen, but that the circumstances of the case are not such as to justify me in advising a compliance with its prayer.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.

LONDON :

Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

OATHS (COLONIES).

RETURN to an Address of the Honourable The House of Commons,
dated 2 June 1865 ;—for,

“COPY of each OATH now required to be taken in any COLONY by the
GOVERNOR or other CHIEF MAGISTRATE, the MEMBERS of the LEGISLATURE,
or SUPREME COUNCIL, or other similar Body respectively.”

Colonial Office }
7 June 1866. }

W. E. FORSTER.

(*Mr. O'Reilly.*)

Ordered, by The House of Commons, to be Printed,
12 June 1866.

SCHEDULE.

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COPY of each OATH now required to be taken in any COLONY by the GOVERNOR or other CHIEF MAGISTRATE, the MEMBERS of the LEGISLATURE, or SUPREME COUNCIL, or other similar Body respectively.

NORTH AMERICAN COLONIES.

No. 1.

CANADA.

OATHS to be taken by the Governor General.

I, _____ do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or Dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs, and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is, and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

OATHS of OFFICE.

1st. You shall well and truly execute the office and trust of Her Majesty's Captain General and Governor in Chief in and over Her Majesty's Province of Canada, and the territories depending thereon, and duly and impartially administer justice therein.

So help you God.

2d. You shall do your utmost endeavour that all the clauses, matters, and things contained in the several Acts of Parliament heretofore passed and now in force, relating to trade and Her Majesty's Colonies and Plantations, be punctually and *bonâ fide* observed, according to the true intent and meaning thereof.

So help you God.

3d. You shall well and truly execute the office of Keeper of the Great Seal of Her Majesty's Province of Canada, according to the best of your knowledge and ability.

So help you God.

OATHS of Members of the Executive Council of the Province of Canada.

The Oath of Allegiance.

You, _____ do sincerely promise and swear that you will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help you God.

No. 1.—CANADA—*continued.*

The OATH of the Members of the Council.

YOU, do solemnly promise and swear that you will serve Her Majesty truly and faithfully in the place of her Council in this Her Majesty's Province of Canada, you will keep close and secret all such matters as shall be treated, debated, and resolved on in Executive Council, without publishing or disclosing the same, or any part thereof, by word, writing, or any otherwise, to any person out of the same Council, but to such only as be of the Council; and yet if any matter so propounded, treated, and debated in any such Executive Council, shall touch any particular person, sworn of the same Council, upon any such matter as shall in anywise concern his loyalty and fidelity to the Queen's Majesty, you will in nowise open the same to him, but keep it secret, as you would from any person, until the Queen's Majesty's pleasure be known in that behalf. You will in all things to be moved, treated, and debated in any such Executive Council, faithfully, honestly, and truly declare your mind and opinion to the honour and benefit of the Queen's Majesty, and the good of her subjects, without partiality or exception of persons, in nowise forbearing so to do from any manner of respect, favour, love, meed, displeasure, or dread of any person or persons whatsoever. In general you will be vigilant, diligent, and circumspect in all your doings touching the Queen's Majesty's affairs; all which matters and things you will faithfully observe and keep, as a good Councillor ought to do, to the utmost of your power, will, and discretion.

So help you God.

OATH prescribed under the Provisions of the Act passed in the Session held in the 19th and 20th Years of the reign of Her Majesty Queen Victoria, chapter 140, and intituled "An Act to change the Constitution of the Legislative Council by rendering the same Elective."

I DO sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province of Canada, dependent on and belonging to the said United Kingdom; and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against her person, Crown, and dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against her or any of them; and all this I do swear, without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary.

So help me God.

OATH taken by Members of the Legislative Assembly of Canada, before Sitting or Voting therein.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province of Canada, dependent on and belonging to the said United Kingdom; and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against her person, Crown, and dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against her or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary.

So help me God.

No. 2.

NOVA SCOTIA.

(No. 1.)

OATH administered to the Lieutenant Governor, and Administrator of the Government of Nova Scotia.

I DO swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treason and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject," is and stands limited to the Princess Sophia, Electoress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any allegiance or obedience unto any other person claiming or pretending a right to the Crown of the realm; and I do hereby declare that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within the realm; and I make this declaration upon the true faith of a Christian.

So help me God.

(No. 2.)

OATH administered to the Lieutenant Governor of Nova Scotia.

I DO sincerely promise and swear, that I will well and truly execute the office and trust of Lieutenant Governor, in and over the Province of Nova Scotia, according to the best of my skill and judgment, and according to the laws of the realm and of this Province, and that in all cases that shall come before me I will administer due and impartial justice.

So help me God.

(No. 3.)

OATH administered to the Administrator of the Government of Nova Scotia.

I DO swear that I will faithfully execute and perform the duties devolving upon me as Administrator of the Government of this Province, in the absence of his Excellency, the Lieutenant Governor, in conformity with Her Majesty's commission and instructions, and that I will duly and impartially administer justice in all cases which shall come before me to the best of my ability.

So help me God.

(No. 4.)

OATH administered to Members of the Legislative Council and House of Assembly of Nova Scotia.

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

(No. 5.)

OATH administered to Members of the Executive Council of Nova Scotia.

I, being chosen and admitted of Her Majesty's Executive Council, in the Province of Nova Scotia, do swear that I will to the best of my judgment at all times when thereto required, freely give my counsel and advice to the Governor, Lieutenant Governor, or Officer administering the Government of the Province for the time being, for the good management of the public affairs of the Province; that I will not, directly nor indirectly, reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor.

So help me God.

No. 3.

NEW BRUNSWICK.

OATH of Lieutenant Governor.

You swear that you will faithfully administer justice, as Lieutenant Governor of this Province, to the best of your skill and knowledge.

So help you God.

You swear that you will, to the utmost of your power, endeavour that the several Acts of Parliament relating to the Plantation Trade be duly observed.

So help you God.

I, _____ do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject," is and stands limited to the Princess Sophia, Electoress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare, that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, pre-eminence or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

OATH of Executive Council.

You do swear that you will, in all things to be treated of in the Executive Council of this Province, truly and faithfully counsel and advise the Governor, for the public good, without fear, favour, or affection; that you will keep secret such matters as shall be debated in the said Council and committed to your secrecy; that you will not for gift, reward, or promise thereof, advise either the promotion of, or hindrance of, any matter to be treated of or done in the said Council, but you will, with your might and power, aid and strengthen the said Council in all that shall be therein thought to be for the good of Her Majesty and the welfare of this Province, and will withstand all persons, of whatsoever condition or degree, that would attempt or intend the contrary; and generally that you will, in all things, be a true and faithful Councillor to the best of your ability.

So help you God.

No. 4.

PRINCE EDWARD ISLAND.

OATH of Lieutenant Governor.

You do swear that you will faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria, and to Her heirs and successors, and that you will well and truly execute the office and trust of Lieutenant Governor and Commander in Chief in and over Her Majesty's _____ according to the best of your skill and knowledge, and according to the power to you granted, by virtue of Her Majesty's Letters Patent, bearing date at _____ the _____ day of _____ in the _____ year of Her said Majesty's reign.

So help you God.

No. 4.—PRINCE EDWARD ISLAND—*continued.*

OATH of Executive Councillor.

You do swear that you faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria, and to her heirs and successors, and shall be true and faithful to his Excellency as he is commissioned Lieutenant Governor and Commander in Chief in and over Her Majesty's Colony, and that you will, in the place and office of Her Majesty's Councillor of this Island, well and faithfully serve her said Majesty, and promote the good of Her Majesty's affairs, with your best advice and counsel. You, with your best ability, will defend this Island from all foreign invasions and intestine insurrections. You shall not countenance or conceal any plot or seditious conspiracy, or any treasonable or seditious speeches, against Her said Majesty, her heirs or successors, or his said Excellency, but you shall give speedy notice thereof unto his said Excellency, or to some Member of the Council; the secret debates of the Council you shall not reveal directly or indirectly; all which you shall, to the utmost of your ability, perform.

So help you God.

OATH of Legislative Councillor.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Island, dependent on and belonging to the said United Kingdom, and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever, which shall be made against her person, Crown, and dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her Majesty, or any of them; and all this I do swear without any equivocation, mental or secret reservation, and renouncing all pardons and dispensations from any person or persons whatsoever to the contrary.

So help me God.

OATH to be taken by a Member of the House of Assembly, before taking his Seat, if his Qualification is Freehold Estate.

I, A. B., do swear that I truly and *bonâ fide* have such a freehold estate on this Island, to and for my own use and benefit, over and above all incumbrances affecting the same, to the value of fifty pounds, as doth qualify me to serve as a member for the town, common and royalty of or the electoral district of (as the case may be), in the county of according to the tenor and true meaning of the statute in such case made and provided.

So help me God.

OATH to be taken by a Member of the House of Assembly, before taking his Seat, if his Qualification is Leasehold Estate.

I, A. B., do swear that I truly and *bonâ fide* have such a leasehold estate on this Island, to and for my own use and benefit, over and above all incumbrances affecting the same, of the value of fifty pounds, as doth qualify me to serve as a member for the town, common and royalty of or the electoral district (as the case may be), in the county of according to the true intent and meaning of the statute in such case made and provided.

So help me God.

No. 5.

NEWFOUNDLAND.

OATH taken by the Governor of Newfoundland.

I, _____ do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

I DO further swear that I will do my utmost to cause to be well and truly observed, all the laws and all the clauses, matters, and things contained in any Act of Parliament, or in any Act of the General Assembly of this Island of Newfoundland heretofore made, and now in force relating to the said Island and its Dependencies, and which ought to be observed and kept according to the true intent and meaning of the same, as far as appertains unto me in the discharge and faithful execution of my office as Governor of the said Island.

So help me God.

OATH taken by the Executive Council of Newfoundland.

I, _____ do swear that I will faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria, and to her heirs and successors, and will be true and faithful to his Excellency _____, as he is commissioned and appointed Governor and Commander in Chief in and over this Her Majesty's Island of Newfoundland and its Dependencies; and that I will, in the place and office of Her Majesty's Councillor of this Island, well and faithfully serve Her said Majesty, and promote the good of Her Majesty's affairs with my best advice and counsel; I will with my best ability defend this Island from all foreign invasions and intestine insurrections.

I will not countenance or conceal any plot or seditious conspiracy, or any treasonable or seditious speeches against Her said Majesty, her heirs or successors, but I will give speedy notice thereof unto his Excellency the Governor, or to some Member of this Council. The secret debates of the Council I will not reveal directly or indirectly; all which I will to the utmost of my ability perform.

OATH administered to Members of the Legislative Council and House of Assembly of Newfoundland.—(Royal Instructions, Sect. 12.*)

I, A. B., do swear that I will be faithful and true allegiance bear to Her Majesty Queen Victoria.

So help me God.

* Section XII. Royal Instructions.—"And whereas we have empowered you by our said Commission to summon and call together the General Assembly of our said Island: we do further direct and enjoin that the persons thereupon duly elected to be Members of the said Assembly shall, before their sitting, take the oath, commonly called the Oath of Allegiance, which oath you shall commission fit persons, under the seal of our said Island, to tender and administer unto them; and, until the same shall be so taken, no person shall be capable of sitting, though elected."

No. 6.

BERMUDA.

OATH of the Governor.

YOU swear that you will truly and faithfully perform all matters which belong to your place of Governor of these islands, so far as shall be in your power; you shall be careful to preserve and keep the said islands, both from foreign invasion and intestine mutinies, and shall not deliver nor suffer to be delivered the said islands, or any part of them, into the hands or possession of any other than such as shall have lawful authority from Her Majesty Queen Victoria, her lawful heirs and successors, to receive the same; you shall uprightly and sincerely, without reward or partiality, administer justice, or cause the same to be administered to all Her Majesty's subjects, in all causes and matters, as well in the Court of Chancery in these islands, as otherwise; you shall take care that the people here live in the fear of God, and in allegiance and duty to Her Majesty, her lawful heirs and successors; you shall oversee all inferior officers as much as conveniently you can, that they perform their duties; you shall not suffer any wrong or prejudice to be wrought to Her Majesty in her lawful authority, goods, or possessions, but generally shall in all things use your best endeavours for the lawful advancement both of the benefit of Her Majesty as also of the welfare and prosperity of the Colony.

So help you God.

OATH of a Member of Council.

YOU swear that you shall truly and faithfully discharge the place of a Councillor of the Somers Islands *alias* Bermuda; you shall in all things to be moved, treated, and debated in Council concerning that plantation or the trade thereof, faithfully and truly declare your mind and opinion according to your heart and conscience, and shall keep secret all matters treated in that Council, wherein secrecy is required, until such time as by consent of his Excellency the Governor here, and the greater part of the Council, publication shall be made thereof. You shall be careful, so far forth as shall belong to your place, to preserve and keep safe the said Somers islands, both from foreign invasions and intestine mutinies, and shall not practice, or procure, consent, or suffer that the islands or any part of them, be delivered up into the hands or possession of any other than such as shall have lawful authority from Her Sacred Majesty; you shall be assisting to his Excellency the Governor of the said islands, with your faithful and careful advice, both for the strength and safety of the said islands, and for the well-government of the people, as also for the due administration of justice in all causes brought or to be brought before you in the Court of Chancery in these islands, or otherwise, wherein you shall proceed uprightly and sincerely, without partiality through favour or reward; you shall have a care that the people live in the fear of God, and in allegiance and duty to Her Majesty, her heirs and successors, and in obedience to all subordinate Governors and Government; you shall not suffer any wrong or prejudice to be wrought unto Her Majesty in her rights and possessions, but shall in all things use your true endeavours for the advancement and benefit of Her Majesty, her heirs and successors, as also for the welfare and benefit of this Colony and Plantation.

So help you God.

OATH of an Assembly Man.

YOU, being a member of this present Assembly, shall swear to use and employ your best endeavour therein for general good, without any respect to private interest, gain, or advantage, striving to discharge a good conscience in all equity and integrity, during your continuance therein.

So help you God.

OATH of Allegiance for Protestants.

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them;

No. 6.—BERMUDA—*continued*.

them; and I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown and better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of Her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I do make this declaration upon the true faith of a Christian.

So help me God.

OATH of Allegiance for Roman Catholics.

I do hereby declare that I do profess the Roman Catholic religion.

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and her will defend, to the utmost of my power, against all conspiracies and attempts whatever that shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them: And I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown; which succession, by an Act, intituled, "An Act for the further Limitation of the Crown, and better Security of the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body being Protestants—hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of these realms.

And I do swear that I do reject, and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics or infidels; and also that unchristian and impious principle, that faith is not to be kept with heretics or infidels.

And I do further declare that it is not an article of my faith; and I do renounce, reject, and abjure the opinion, that princes excommunicated by the Pope in Council, or any authority of the See of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever; and I do promise that I will not hold, maintain, or abet any such opinion, or any other opinion contrary to what is expressed in this declaration.

And I do declare that I do not believe that the Pope of Rome, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction power, superiority, or pre-eminence, directly or indirectly within this realm.

And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this Oath, without any evasion, equivocation, or mental reservation whatever; and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever; and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or authority whatsoever, shall dispense with or annul the same, or declare that it was null or void.

So help me God.

No. 7.

BRITISH COLUMBIA.

OATHS required to be taken by the Governor, or other Chief Magistrate, in the Colony of British Columbia.

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and treacherous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power

No. 7.—BRITISH COLUMBIA—*continued.*

power, the succession of the Crown, which succession, by an Act intituled "An Act for the limitation of the Crown and better securing the rights and liberties of the subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign Prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

I, A. B., do further swear, that I faithfully and duly execute the office of Governor and Commander in Chief in and over the Colony of British Columbia, and will duly and impartially administer justice therein.

So help me God.

OATH required to be taken by the Members of the Executive Council of British Columbia.

I, C D., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and treacherous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession by an Act intituled "An Act for the Limitation of the Crown and better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm. [And I do further swear that, I will faithfully and to the best of my ability discharge the duties of the office of a member of the Executive Council of British Columbia, so long as I shall continue to hold the said office, and will keep secret all the counsels thereof, and all matters and things relating to such council which shall therein transpire, and that I will not either directly or indirectly reveal the same or any part thereof to any person or persons whomsoever,] and I make this declaration upon the true faith of a Christian.

So help me God.

OATH required to be taken by the Members of the Legislative Council of British Columbia.

I, E. F., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and I do faithfully promise to maintain, support, and defend the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown and better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance to any other person claiming or pretending a right to the Crown of this realm, and I do declare that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this territory.

And I do further swear, that I will honestly, faithfully, and to the best of my ability perform the duties of the office of a Legislative Councillor.

So help me God.

No. 8.

VANCOUVER ISLAND.

(Not received.)

WEST INDIES AND MAURITIUS.

No. 9.

J A M A I C A.

OATHS taken by Governor.

(No. 1.)

I, _____ do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them, and I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the Crown, which succession by an Act, intituled "An Act for the further Limitation of the Crown and better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any person claiming, or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm, and I make this declaration upon the true faith of a Christian.

So help me God.

(No. 2.)

I, _____ do swear that I will do my utmost that all the provisions, clauses, matters and things contained in the several Acts of Parliament, made for the encouragement of the navigation of the British Empire, and for the better securing and regulating the plantation trade, now in force or hereafter to be in force, relating to the Colonies, be punctually and *bonâ fide* observed according to the true intent and meaning thereof.

So help me God.

(No. 3.)

YOU shall swear, well and truly, to perform and execute the office and trust reposed in you as Captain General and Governor in Chief of this Her Majesty's Island, and according to the best of your judgment to administer justice, and to do right equally to all people, according to the laws and statutes of England, and of this Island.

So help you God.

OATHS taken by Privy Councillors.

The same oath as No. 1* and the following further oath.

YOU shall swear to be true and faithful unto His Excellency _____ Captain General and Governor in Chief of this Her Majesty's Island, and in every thing to be of council with him and to disclose none of (his or her) Majesty's secrets, and to declare, publish and reveal, whatsoever you shall find prejudicial to His Excellency, or leading, or tending to the disturbance of this Her Majesty's Island, or Government, and in every thing to perform your duty as a just and faithful councillor, according to the best of your judgment, cunning and discretion.

So help you God.

* Except in the case of a Roman Catholic, when the oath prescribed by the Imp. Stat. 10 Geo. 4, c. 7, is administered.

And in the case of a person professing the Jewish religion, the words "and I make this declaration upon the true faith of a Christian" are omitted.

No. 9.—JAMAICA—*continued.*

OATH required to be taken by the President and Members of the Legislative Council, of Jamaica.

I, _____ do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Island, and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against her person, Crown, and dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against her or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and I do further swear that I am possessed of one of the property qualifications required of a non-official member of the Legislative Council, by an Act intituled "An Act for the better Government of this Island, and for raising a Revenue in support thereof."

So help me God.

OATHS taken by Members of the Assembly of Jamaica.

OATHS taken by Protestants.

I, _____ do sincerely promise and swear, that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

I, _____ do swear, that I do from my heart, abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever; and I do declare, that no foreign prince, prelate, state or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within her dominions.

So help me God.

I, _____ do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world, that our Sovereign Lady Queen Victoria is lawful and rightful Queen of this realm; and all other Her Majesty's dominions and countries thereunto belonging: and I do solemnly and sincerely declare, that I do believe in my conscience, that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James the Second; and since his decease pretended to be, and took upon himself the style and title of King of England by the name of James the Third, or of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this realm, or any other the dominions thereunto belonging; and I do renounce, refuse, and abjure, any allegiance or obedience to any of them: and I do swear, that I will bear faith and true allegiance to Her Majesty Queen Victoria, and her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavours to disclose and make known to Her Majesty and her successors, all treasons and traitorous conspiracies which I shall know to be against her or any of them; and I do faithfully promise to the utmost of my power, to support, maintain, and defend the succession of the Crown against the descendants of the said James, and against all other persons whatsoever, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and the better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body being Protestants; and all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, abjuration, renunciation, and promise heartily, willingly, and truly, upon the true faith of a Christian.

So help me God.

No. 9.—JAMAICA—*continued.*

OATHS taken by Roman Catholics.

(Administered under the authority of the Island Act, 10 Geo. 4, c. 12.)

I, _____ do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatsoever, which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treason and traitorous conspiracies which may be found against her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown and better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do further declare that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects or by any person whatever; and I do declare, that I do not believe that the Pope of Rome or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence directly or indirectly within this realm; I do swear that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am, or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom; and I do solemnly in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever.

So help me God.

OATHS taken by Jews.

I, _____ do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

I, _____ do swear, that I do from my heart, abhor, detest, and abjure as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope or any authority of the See of Rome may be deposed or murdered by their subjects, or any other whatsoever; and I do declare that no foreign prince, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within her dominions.

So help me God.

And the following under the authority of the Island, Act 2, Will. 4, c. 2.

I, _____ do truly and sincerely acknowledge, profess, testify and declare, on my conscience, before God and the world, that our Sovereign Lady Queen Victoria is lawful and rightful Queen of this Realm, and all other Her Majesty's dominions and countries thereunto belonging, and I do solemnly and sincerely declare that I do believe in my conscience that not any of the descendants of the person who pretended to be Prince of Wales, during the life of the late King James the Second, and since his decease pretended to be, and took upon himself the style and title of King of England, by the name of James the Third, or of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this realm, or any other the dominions thereunto belonging; and I do renounce, refuse, and abjure any allegiance or obedience to any of them, and I do swear that I will bear faith and true allegiance to Her Majesty Queen Victoria, and her will defend to the utmost of my power against all traitorous conspiracies, and all attempts whatsoever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavours

No. 9.—JAMAICA—*continued*.

deavours to disclose and make known to Her Majesty, and her successors, all treasons and traitorous conspiracies which I shall know to be against her or any of them; and I do faithfully promise to the utmost of my power to support, maintain and defend the succession of the Crown against the descendants of the said James, and against all other persons whatsoever, which succession by an Act intituled "An Act for the further Limitation of the Crown, and the better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body being Protestants, and all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly and truly.

So help me God.

No. 10.

BRITISH HONDURAS.

OATH of Lieutenant Governor.

You do swear that you will faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria, and to her heirs and successors, and that you will and truly execute the office and trust of Lieutenant Governor, in and over the Colony of British Honduras, according to the best of your skill and knowledge, and according to the power to you granted by your Commission under the Royal Sign Manual and Privy Seal, bearing date at Windsor, the day of in the year of Her Majesty's reign.

So help you God.

OATH of Members of the Executive Council.

I SOLEMNLY swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will endeavour by every means in my power to maintain and uphold the dignity of Her Majesty's Crown, and I will advise the Queen's representative to the best of my judgment and discretion, as well for the honour of Her Majesty as for the public good, and without partiality produced through affection, need, doubt or dread; that I will keep the Queen's counsel and that of her representative secret; that I will help and strengthen the execution of all that may be resolved, and withstand all persons who would attempt to frustrate the same; that I will avoid all corruption, and do justice to all Her Majesty's subjects to the best of my power and ability and without fee, favour, or affection; and lastly, that I will diligently observe all the acts of a good counsellor towards his Sovereign and her representative, and faithfully perform all the duties appertaining to the office of Executive Councillor of this Colony.

So help me God.

OATH of Members, Legislative Assembly.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

No. 11.

TURKS AND CAICOS ISLANDS.

OATHS taken by the President or Officer Administering the Government of the Turks and Caicos Islands.

I, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

No. 11.—TURKS AND CAICOS ISLANDS—*continued.*

I, _____ do swear well and truly to perform and execute the office and trust reposed in me as President of the Council, Administrator of the Government of these Her Majesty's Turks and Caicos Islands, and according to the best of my judgment to administer justice and to do right equally to all people according to the laws and statutes of England and of these Islands.

So help me God.

OATHS taken by Members of the Executive Council of the Turks and Caicos Islands.

I, _____ do sincerely promise and swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria.

So help me God.

I, _____ do swear to be true and faithful unto the President or other officer administering the Government for the time being of these Her Majesty's Islands, and in everything to be of council with him and to disclose none of his or Her Majesty's secrets, and to declare, publish, and reveal whatsoever I shall find prejudicial to him the said President, or other officer administering the Government as aforesaid, or leading or tending to the disturbance of these Her Majesty's Islands or Government, and in everything to perform my duty as a just and faithful Councillor according to the best of my judgment, cunning, and discretion.

So help me God.

OATHS taken by the Elective Members of the Legislative Council of the Turks and Caicos Islands.

I, _____ do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

I, _____ do swear that I truly and *bonâ fide* have such an estate in law or equity of such value to and for my own use and benefit, over and above what will satisfy and clear all judgments and mortgages that may affect the same, as doth qualify me to sit and vote as a Member of the Legislative Council of the Turks and Caicos Islands for any district or place within the same, according to the tenor and true meaning of the Act of the General Assembly of the Bahama Islands extended to these Islands, intituled, "An Act for consolidating the several Acts for regulating Elections and the Qualification of Members of the General Assembly of these Islands and of Electors, and for ascertaining and describing the Limits and Bounds of the several Islands and Districts within this Government which send Representatives to the General Assembly; and for other purposes therein mentioned."

So help me God.

No. 12.

BRITISH GUIANA.

OATH for the Governor.

I, _____ do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown or dignity, and I will do my utmost endeavour to disclose and make known to her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown and better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown

No. 12.—BRITISH GUIANA—*continued.*

Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm. And I make this declaration upon the true faith of a Christian.

So help me God.

OATH for the Governor.

YOU do swear that you will execute the office and trust of Governor in and over Her Majesty's colony of British Guiana according to the best of your knowledge, and that you will duly and impartially administer justice, and in general execute, perform, and observe all matters and things which in the aforesaid office and trust it is incumbent upon you to execute, perform, and observe.

So help you God.

OATH taken by Members of the Court of Policy of British Guiana.

I, _____, do solemnly promise and swear that I will, under my allegiance to Her Most Gracious Majesty Queen Victoria and to her heirs and successors, faithfully perform, to the best of my knowledge, the duty of a member of the Court of Policy of the colony of British Guiana, observing, with the interests of the said colony, its connection with the parent state.

So help me God.

OATH taken by the Members of the College of Financial Representatives of British Guiana.

I, _____, do most solemnly promise and swear that I will faithfully perform, under my allegiance to Her Majesty Queen Victoria, the duties annexed to the situation of a representative of the inhabitants, for the fixing of colonial taxes and examining Receiver's accounts in British Guiana, and so truly regard the interest of the colony.

So help me God.

No. 13.

BAHAMAS.

OATH of Allegiance.

I, _____, sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

In addition to the above oath, the Governor takes an oath in the following form:—

I, _____, do swear that I will, so long as I shall continue in the government and command of Her Majesty's Bahama Islands, do my utmost that all the clauses, matters, and things, contained in any Act of Parliament, heretofore made and now in force, relating to Her Majesty's colonies and plantations, are *bonâ fide* observed according to the true intent and meaning thereof, so far as appertains unto me as Governor of the said Islands.

So help me God.

The form of oath of an Executive Councillor is as follows:—

I, _____, do swear that I will well and truly serve our Sovereign Lady the Queen as a Member of Her Majesty's Executive Council for the Bahama Islands, and that I will not, at any time, directly or indirectly, reveal the votes or opinions of the members of the said Council, unless thereunto required by due course of law, or by the command of Her Majesty.

So help me God.

No. 14.

TRINIDAD.

OATHS required to be taken by the Governor and Commander in Chief, or Lieutenant Governor, or Officer Administering the Government of the Colony of Trinidad.

I, _____ do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the Crown, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

I, _____ do swear that I will faith and true allegiance bear unto Her most sacred Majesty Queen Victoria, and to her heirs and successors. And that I will well and truly execute the office and trust of Governor and Commander in Chief for the time being, in and over the Island of Trinidad and its dependencies, according to the best of my skill and knowledge and according to the power to me granted.

So help me God.

OATHS required to be taken by Members of the Legislative Council of the Colony of Trinidad.

OATH of Allegiance.

I, _____ do sincerely promise and swear that I_a will be faithful, and true allegiance bear, to Her Majesty Queen Victoria.

So help me God.

I, _____ do swear that I will faith and true allegiance bear unto Her most sacred Majest Queen Victoria and her heirs and successors, and that I will be true and faithful to the Governor in and over the Island of Trinidad and its dependencies; and that I will in the place and office of Her Majesty's Councillor in the said island well and faithfully serve Her said Majesty and promote the good of Her Majesty's affairs with my best advice and counsel. I will with the best of my ability defend the island and its dependencies from all foreign invasions and intestine insurrections. I will not countenance or conceal any plot or seditious conspiracy, or any treasonable or seditious speeches against Her said Majesty, her heirs or successors.

So help me God.

OATH of Abjuration.

I, _____ do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world, that our Sovereign Lady Queen Victoria is lawful and rightful Queen of this Realm, and all other Her Majesty's dominions and countries thereunto belonging; and I do solemnly and sincerely declare that I do believe in my conscience that not any of the descendants of the person who pretended to be and took upon himself the style and title of King of England by the name of James the Third, or of Scotland by the name of James the Eighth, or the style or title of King of Great Britain, hath any right or title whatsoever to the Crown of this realm, or any other
the

No. 14.—TRINIDAD—*continued.*

the dominions thereunto belonging. And I do renounce, refuse and abjure any allegiance or obedience to any of them. And I do swear that I will bear faith and true allegiance to Her Majesty Queen Victoria, and her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against her person, Crown, or dignity. And I will do my utmost endeavour to disclose and make known to Her Majesty all treasons and traitorous conspiracies which I shall know to be against her or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain and defend the succession of the Crown against the descendants of the said James, and against all other persons whatsoever, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly, and truly upon the true faith of a Christian.

So help me God.

I do swear that I will faithfully keep, and not reveal to any person whatsoever the secrets of the Governor and Council; but will in all things respecting the private debates behave myself honestly and truly, conformably to the tenor of this oath.

So help me God.

OATH taken by Roman Catholics holding Office as Councillors.

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the realm; and I do further declare that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects, or any other person whatsoever; and I do declare that I do not believe that the Pope of Rome, or any other sovereign, prince, prelate, person, state or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm; I do swear that I will defend to the utmost of my power the settlement of property within this realm, as established by the law; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment as established by law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom; and I do solemnly, in the presence of God, profess, testify, and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever.

So help me God.

OATH required to be taken by Members of the Executive Council of the Colony of Trinidad.

I do swear that in my capacity of Executive Councillor, I shall give my best opinion and advice to the Governor or Commander in Chief at all times when I may be consulted, and that I shall not divulge any matter or thing that shall come to my knowledge as an Executive Councillor.

No. 15.
B A R B A D O S.

OATHS required to be taken in Barbados by the Governor.

(No. 1.)

You do swear that you will be faithful, and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of your power against all conspiracies and attempts whatever, which shall be made against her person, Crown, or dignity, and you will do your utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and you do faithfully promise to maintain, support, and defend, to the utmost of your power, the succession of the Crown, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and you do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm. And you make this declaration upon the true faith of a Christian.

So help you God.

(No. 2.)

You do swear that you will well and truly execute the office and trust of Governor General and Commander in Chief of this Island of Barbados, according to the best of your skill and knowledge, and according to the powers to you granted by virtue of Her Most Gracious Majesty Queen Victoria's Letters Patent, bearing date the (date of commission), and the year of her reign.

So help you God.

OATH required to be taken in Barbados by Members of Council.

You do swear that you will faith and true allegiance bear unto Her most sacred Majesty Queen Victoria, and to her heirs and successors, and also be true to his Excellency (name of the governor for the time being), as he is Commander in Chief of this Island of Barbados, and that you will, in the place and office of Her Majesty's councillor of this island, well and faithfully serve her said Majesty, and promote the good of Her Majesty's affairs with your best advice and counsel; you shall with your best ability defend this island from all foreign invasions and intestine insurrections; you shall not countenance or conceal any plot or seditious conspiracy, or any treasonable or seditious speeches against her said Majesty, her heirs or successors, or his said Excellency, but you shall give speedy notice thereof unto his said Excellency, or to some members of the Council. The secret debates of the Council you shall not reveal directly or indirectly: all which you shall, to the utmost of your ability, perform.

So help you God.

OATH required to be taken in Barbados by Members of the House of Assembly.

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

No. 16.

ST. VINCENT.

OATHS of Governor.

OATH substituted for Oaths of Allegiance, Supremacy, and Abjuration, 21 & 22 Vic. c. 48.

(No. 1.)

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act entitled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs to her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

(No. 2.)

I do swear that I will well and truly execute the office and trust of Governor in and over these islands according to the best of my skill and knowledge, and according to the power granted to me by Her Majesty.

So help me God.

OATH of Executive Councillor.

I, do swear that I will faith and true allegiance bear to Her most Gracious Majesty Queen Victoria, her heirs and successors, and will be true and faithful to the Governor in and over the Island of Saint Vincent and its dependencies, and that I will, in the place and office of Her Majesty's Councilor of the said island, faithfully serve Her said Majesty, and promote the good of Her Majesty's affairs with the best of my advice and counsel, and shall, with my best ability, defend the said islands from all foreign invasions and intestine insurrections. I shall not countenance or conceal any plot or seditious conspiracy, or any treasonable or seditious speeches against Her Majesty, her heirs or successors, or his said Excellency, but will give speedy notice thereof to his said Excellency, or to some other member of the Council. The secret debates of the Council I will not reveal, directly or indirectly; all which I will to the best of my ability perform.

So help me God.

OATH of Legislative Councillors, Members of Assembly, and Persons appointed to Offices of Trust.

I do swear and sincerely promise that I will be faithful and true allegiance bear to Her Most Gracious Majesty Queen Victoria.

So help me God.

No. 17.

GRENADA.

GOVERNOR'S OATH for Administering the Government, 21 & 22 Vic. cap. 48.

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity, and I will

No. 17.—GRENADA—*continued.*

do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the Crown, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare, that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, or superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm. And I make this declaration upon the true faith of a Christian.

So help me God.

You do swear that you will faith and true allegiance bear unto Her most sacred Majesty Queen Victoria, and to her heirs and successors, and will well and truly execute the office and trust of Governor and Commander in Chief in and over the Island of Grenada, and such of the Grenadines as lie to the southward of Carriacou, including that island, according to the best of your skill and knowledge, and according to the power granted you.

So help you God.

OATH to maintain and preserve the Acts of Trade and Navigation.

You do swear that you will, to the best of your skill and power, so long as you shall continue in the government and command of Her Majesty's Islands of Grenada, and such of the Grenadines as lie to the southward of Carriacou, including that island, do your utmost that the several laws relating to trade and Her Majesty's plantations be duly observed.

So help you God.

OATH as Judge to hear and determine Writs of Error and Matters of Equity.

You do swear that you will, according to the best of your skill, conscience and judgment, do equal right, law and justice to Her Majesty's subjects and people, both rich and poor, without favour or affection, hatred or malice, or having regard to any person whatsoever, that hath any matter, cause or thing at any time depending before you.

So help you God.

COUNCILLOR'S OATH.

You do swear that you will faith and true allegiance bear unto Her most sacred Majesty Queen Victoria, and her heirs and successors, and will be true and faithful to his Excellency in and over the Island of Grenada, and such of the islands commonly called the Grenadines, to the southward of the Island of Carriacou, and that you will in the place and office of Her Majesty's councillor of the said islands well and faithfully serve Her said Majesty, and promote the good of Her Majesty's affairs with your best advice and counsel. You shall, with your best ability, defend the said islands from all foreign invasions and intestine insurrections. You shall not countenance or conceal any plot or seditious conspiracy, or any treasonable or seditious speeches against Her Majesty, her heirs or successors, or his said Excellency, but you shall give speedy notice thereof unto his said Excellency, or to some other member of the Council. The secret debates of the Council you shall not reveal directly or indirectly; all which you shall to the best of your ability perform.

So help you God.

OATHS Administered to Members of Assembly.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

I, A. B., do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects,

No. 17.—GRENADA—*continued.*

subjects, or any other whatsoever; and I do declare that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within the realm of Great Britain, or any other Her Majesty's dominions and countries thereunto belonging.

So help me God.

I, A. B., do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world, that our Sovereign Lady Queen Victoria is lawful and rightful Queen of the realm of Great Britain and all other Her Majesty's dominions and countries thereunto belonging; and I do solemnly and sincerely declare that I do believe in my conscience that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James the Second, and since his decease pretended to be and took upon himself the style and title of King of England by the name of James the Third, or of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of Great Britain, or any other the dominions thereunto belonging; and I do renounce, refuse and abjure any allegiance or obedience to any of them; and I do swear that I will bear faith and true allegiance to Her Majesty Queen Victoria, and her will defend to the utmost of my power against the traitorous conspiracies and attempts whatsoever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty and her successors all treasons and traitorous conspiracies which I shall know to be against her, or any of them; and I do faithfully promise, to the utmost of my power, to support, maintain and defend the succession of the Crown against the descendants of the said James, and against all other persons whatsoever, which succession by an Act entitled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants; and all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, abjuration, renunciation, and promise heartily, willingly, and truly upon the true faith of a Christian.

So help me God.

ROMAN CATHOLIC OATH Administered to Members of Council and Assembly.

I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempt whatever which shall be made against her person, Crown or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the Crown, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending to a right to the Crown of this realm; and I do further declare that it is not an article of my faith, and that I do renounce, reject and abjure the opinion that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatsoever; and I do declare that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state or potentate, have or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly within this realm; and I do swear that I will defend, to the utmost of my power, the settlement of property within this realm as established by the laws; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment as settled by law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom; and I do solemnly, in the presence of God, profess, testify and declare that I do make this declaration and every part thereof in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever.

So help me God.

No. 18.

T O B A G O.

GOVERNOR'S OATH.

You shall swear well and truly to perform and execute the office and trust reposed in you as Governor and Commander in Chief of Her Majesty's Island of Tobago, as well as Chancellor and Ordinary thereof, and according to the best of your judgment to administer and do right equally to all people according to the laws and statutes of England and of this Island.

So help you God.

LIEUTENANT GOVERNOR'S OATH.

You shall swear well and truly to perform and execute the office and trust reposed in you as Lieutenant Governor and Commander in Chief of Her Majesty's Island of Tobago, as well as Chancellor and Ordinary thereof, and according to the best of your judgment to administer and do right equally to all people according to the laws and statutes of England and of this Island.

So help you God.

ADMINISTRATOR OF THE GOVERNMENT.

You shall swear well and truly to perform and execute the office and trust reposed in you as administrator of the Government of Her Majesty's Island of Tobago, and according to the best of your judgment to administer and do right equally to all people according to the laws and statutes of England and of this Island.

So help you God.

PRESIDENT'S OATH.

You shall swear well and truly to perform and execute the office and trust reposed in you as senior member of the Privy Council administering the Government of Her Majesty's Island of Tobago, as well as Chancellor and Ordinary thereof, and according to the best of your judgment to administer and do right equally to all people according to the laws and statutes of England and of this Island.

So help you God.

OATH of Allegiance.

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm, and I do declare that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm, and I make this declaration upon the true faith of a Christian.

So help me God.

No. 19.

ST. LUCIA.

(No. 1.)

OATHS required to be taken by the Governor.

OATH substituted for the Oath of Allegiance, Supremacy, and Abjuration
(21 & 22 Vict. c. 48).

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is, and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly abjuring any obedience or allegiance to any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate hath, or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

N.B.—If a Roman Catholic, the following Oath is taken instead.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria the First, and will defend her to the utmost of my power against all conspiracies and attempts whatsoever which shall be made against her person, crown, and dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against Her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the Crown, which succession, by an Act entitled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is, and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the realm; and I do further declare that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatsoever; and I do declare that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate hath, or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence directly or indirectly within this realm.

I do swear that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by the law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom; and I do solemnly, in the presence of God, profess, testify, and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words, without any evasion, equivocation, or mental reservation whatsoever.

So help me God.

No. 19.—ST. LUCIA—*continued.*

OATH for the due execution of his Office.

You do swear that you will faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria the First, and to her heirs and successors, and that you will well and truly execute the office and trust of (Governor, Lieutenant Governor, or Officer Administering the Government, as the case may be) and Commander in Chief in and over the Island of St. Lucia, according to the best of your skill and knowledge, and according to the power in you vested.

So help you God.

(No. 2.)

OATHS required to be taken by Members of the Legislative Council.

OATH of Allegiance.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria the First.

So help me God.

OATH of Office to be taken by every Councillor.

You do swear that you faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria the First, and to her heirs and successors; and that you will be true and faithful to the Governor and Commander in Chief in and over this Her Majesty's Island of St. Lucia, and that you will, in the place and office of Her Majesty's Councillor of this Island, well and faithfully serve Her said Majesty and promote the good of Her Majesty's affairs with your best advice and counsel; you shall, with your best ability, defend this Island from all foreign invasions and intestine insurrections. You shall not countenance or conceal any plot or seditious conspiracy, or any treasonable or seditious speeches against Her said Majesty, her heirs or successors, or the officer administering the Government, but you shall give speedy notice thereof unto him or to some member of the Council. The secret debates of the Council you shall not reveal directly or indirectly: all which you shall, to the best of your ability, perform.

So help you God.

No. 20.

A N T I G U A.

STATE OATHS.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance unto Her Majesty Queen Victoria.

So help me God.

I, A. B., do swear that I do from my heart abhor, detest, and abjure as impious and heretical that damnable doctrine and position that princes excommunicated or deprived by the Pope or any authority of the See of Rome may be deposed or murdered by their subjects, or any other whatsoever; and I do declare that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or civil, within this realm.

So help me God.

No. 20.—ANTIGUA—*continued*.

I, A. B., do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world, that our Sovereign Lady Queen Victoria is lawful and rightful Queen of this realm, and all other Her Majesty's dominions and countries thereunto belonging; and I do solemnly and sincerely declare that I do believe in my conscience that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James the Second, and, since his decease, pretended to be and took upon himself the style and title of King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this realm, or any other the dominions thereunto belonging; and I do renounce, refuse, and abjure any allegiance or obedience to any of them; and I do swear that I will bear faith and true allegiance to Her Majesty Queen Victoria, and her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavours to disclose and make known to Her Majesty and her successors all treasons and traitorous conspiracies which I shall know to be against Her or any of them; and I do faithfully promise to the utmost of my power to support, maintain, and defend the succession of the Crown against the descendants of the said James, and against all other persons whatsoever, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants; and all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, secret reservation whatsoever; and I do make this recognition, acknowledgment, abjuration, renunciation, and promise heartily, willingly, and truly, upon the true faith of a Christian.

So help me God.

I, A. B., do, in the sincerity of my heart, assert, acknowledge, and declare that Her Majesty Queen Victoria is the only lawful and undoubted Sovereign of this realm, as well "de jure," that is, of right, as "de facto," that is, in the position and exercise of the Government; and, therefore, I do promise and swear that I will with heart and hand, life and goods, maintain and defend her right, title, and government against the descendants of the person who pretended to be Prince of Wales during the life of the late King James, and since his decease pretended to be and took upon himself the style and title of King of England, by the name of James the Third, or of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, and their adherents, and all other enemies who, either by open or secret attempts, shall disturb or disquiet Her Majesty in the possession and exercise thereof.

So help me God.

I, A. B., Governor and Commander in Chief in and over Her Majesty's Islands of Antigua, Montserrat, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, do hereby solemnly declare and swear that I will at all times faithfully perform and execute all things to the utmost of my power and the best of my knowledge which by Her Majesty's commission I am directed or ought to do as Governor and Commander in Chief in and over Her Majesty's Islands of Antigua, Montserrat, St. Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica.

So help me God.

I, A. B., Governor and Commander in Chief in and over Her Majesty's Islands of Antigua, Montserrat, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, do solemnly swear that to my utmost all Acts which have been made for the better regulation and securing the plantation trade shall be punctually and *bonâ fide* observed, according to the true intent and meaning thereof as far as appertain to me, the said Governor and Commander in Chief as aforesaid.

So help me God.

OATHS for the Members of Her Majesty's Council.

I, A. B., do swear that I will be true and faithful unto his Excellency
Governor and Commander in Chief in and over Her Majesty's
Islands of Antigua, Montserrat, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and
o.38. Dominica;

No. 20.—ANTIGUA—*continued.*

Dominica; and that I will, in the place and office of Executive (or Legislative) Councillor for this Island of Antigua, well and faithfully serve and assist his said Excellency or officer administering the Government of this Island for the time being, with my best advice; and I will with my utmost ability defend this Island from all hostility, foreign invasion, and intestine insurrection; I will not countenance or conceal any plot or seditious speech or machinations against our Sovereign Lady the Queen Victoria, or against his said Excellency or officer administering the government for the time being, but I will give speedy notice thereof to his Excellency or some of his Council, and I will endeavour to my utmost power to prevent the same. The secret debates of the Council I will not reveal directly or indirectly; and I will, to the best of my ability, well and faithfully perform this oath in every part thereof as long as I shall remain upon the Island, or elsewhere, in the place and office of one of the Executive (or Legislative) Councillors of this Island to his Excellency, or to the officer administering the government of the same.

So help me God.

OATH of Allegiance.

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against Her Person, Crown, or Dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electoress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate hath, or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

This is the oath taken by the Members of Assembly.

No. 21.

MONTSERRAT.

OATH of Allegiance.

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

OATH of Governor.

I, A. B., Governor and Commander in Chief of all Her Majesty's Islands of Antigua, Montserrat, St. Christopher, Nevis, the Virgin Islands, and Dominica, and their dependencies (or administrator of the Government of Montserrat, as the case may be), do hereby solemnly declare and swear, that I will at all times faithfully perform, do, and execute all things to the utmost of my power, and the best of my knowledge, which by Her Majesty's Commission I am directed, or ought to do as Governor and Commander in Chief (or administrator, as the case may be), of the said Islands.

No. 21.—MONTERRAT—*continued*.

OATH taken by Members of the Executive Council.

I, A. B., do swear that I will be true and faithful unto his Excellency the Governor and Commander in Chief of Her Majesty's Islands of Antigua, Montserrat, St. Christopher, Nevis, the Virgin Islands, and Dominica, and their dependencies, and that I will, in the place and office of one of Her Majesty's Privy Council for this Island of Montserrat, well and faithfully serve and assist his said Excellency, and his Deputy, or President of this Island for the time being, with my best advice; and I will, with my utmost ability, defend this Island from all hostility, foreign invasion, and intestine insurrection. I will not countenance or conceal any plot, or seditious speech or machinations against Our Sovereign Lady Victoria, or against his said Excellency, Deputy, or President for the time being, but I will give speedy notice thereof to his Excellency, or some of his Council, and I will endeavour, to my utmost power, to prevent the same. The secrets and debates of the Council I will not reveal, directly or indirectly. I will, to the best of my ability, well and faithfully perform this oath, in all parts thereof, as long as I shall abide upon the Island, or elsewhere, in the place and office of one of Her Majesty's Privy Council of this Island, to his Excellency or his Deputy here.

So help me God.

N.B.—The Members of the Legislative Assembly take the Oath of Allegiance only.

No. 22.

ST. CHRISTOPHER.

OATHS of Lieutenant Governor.

(No. 1.)

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatsoever which shall be made against her person, Crown, or dignity; and I will, to the utmost, endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare, that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

(No. 2.)

I, A. B., Lieutenant Governor of the Islands of St. Christopher and Anguilla, Chancellor, Vice-Admiral, and Ordinary of the same, do hereby solemnly declare and swear that I will at all times faithfully perform, do, and execute all things to the utmost of my power and to the best of my knowledge, which by Her Majesty's Commission I am directed or ought to do.

So help me God.

OATHS of Members of the Executive Council.

(No. 1.)

[Same as Lieutenant Governor's Oath, No. 1, preceding.]

No. 22.—ST. CHRISTOPHER—*continued.*

(No. 2.)

I, A. B., do swear, that I will be faithful to his Excellency (name and titles), and that as a member of Her Majesty's Executive Council for this Island, will well and faithfully serve and assist the said Lieutenant Governor with my best advice; and I will, with my utmost ability, defend this Island from all hostility, foreign invasions, and intestine insurrections; I will not countenance or conceal any plot or seditious speech or machinations against our Lady Queen Victoria, or against the said Lieutenant Governor, but I will give speedy notice thereof to him, or to some of the Council, and I will endeavour, to my utmost power, to prevent the same. The secret debates of the Council I will not reveal, directly or indirectly, and I will, to the best of my ability, faithfully perform this oath, and every part thereof, as long as I shall remain one of Her Majesty's Executive Council in this Island.

So help me God.

OATH of Members of Legislative Council.

[The same as Oath No. 1, taken by Lieutenant Governor.]

OATH of Members of The House of Assembly.

[The same as Oath No. 1, taken by Lieutenant Governor.]

No. 23.

NEVIS.

OATH of Allegiance.

I, A. B., do swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is, and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare, that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within the realm; and I make this declaration upon the true faith of a Christian.

So help me God.

OATH of Governor in Chief.

I, A. B., Governor and Commander in Chief in and over the Islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, do solemnly declare and swear, that I will at all times faithfully perform, do, and execute all things to the utmost of my power and best of my knowledge, which by Her Majesty's Commission and Royal Instructions I am directed or ought to do as Governor and Commander in Chief in and over the said Islands.

So help me God.

No. 23.—NEVIS—*continued.*

OATH of Members of Council.

I, A. B., do swear that I will be true and faithful unto his Excellency the Governor and Commander in Chief in and over the Islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica; and that I will, in the place and office of one of Her Majesty's Council for the Island of Nevis, well and faithfully serve and assist his said Excellency, or the Lieutenant Governor, or President of this Island for the time being with my best advice, and will, with my utmost ability, defend the Island from all hostility, foreign invasion, and intestine insurrections. I will not countenance or conceal any plot or seditious speech against his Excellency the Governor in Chief, the Lieutenant Governor, the President or officer administering the Government for the time being, but I will give speedy notice thereof to his Excellency, and will endeavour to the utmost of my power to prevent the same. The secrets and debates of Council I will not reveal, directly or indirectly. I will, to the best of my ability, well and faithfully perform this oath in all particulars thereof, as long as I shall abide upon the said Island, or elsewhere, in the place and office of one of Her Majesty's Council of the said Island to his Excellency, Lieutenant Governor or President here.

So help me God.

No. 24.

VIRGIN ISLANDS.

OATH of Allegiance.

I, do swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies, and attempts whatever, which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare, that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

OATH to be taken by the President Administering the Government.

I, President administering the Government of the Virgin Islands, do hereby solemnly swear, that I will at all times faithfully perform, do, and execute all things to the utmost of my power and best of my knowledge, which by Her Majesty's Commission I am directed, or ought to do, as President administering the Government of the said Islands.

So help me God.

OATH of Chief Judge.

I, do solemnly promise and swear, that I will not deny or delay justice to any person, but will with my utmost care and diligence, and to the best of my ability, truly and faithfully execute the office of Chief Judge of the General Court for the Virgin Islands, and that I will, to the best of my skill and learning, do impartial justice between the Queen and her subjects, and between subject and subject, and adjudge and determine in all matters which shall come before me to be adjudged and determined, according to the laws and statutes of Great Britain, in force in these Islands, without interest, partiality, prejudice, fear, or affection.

So help me God.

No. 25.

DOMINICA.

GENERAL OATH by Governors and Others.

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them. And I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the Crown, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

OATH for Impartial Administration of Justice.

I, A. B., do solemnly and sincerely swear in the presence of Almighty God, that in all causes and suits, matters and things whatsoever, which may come before me to be determined in the Courts of Law or Equity of this Island of Dominica, I will do impartial and equal justice, according to law and equity, between the parties, to the best of my skill, knowledge, and judgment, without any favour, affection, or partiality whatever.

So help me God.

AFFIRMATION, instead of Oath.

I, A. B., do solemnly, sincerely, and truly declare and affirm, that I will be faithful and bear true allegiance to Queen Victoria, and to her will be faithful against all conspiracies and attempts whatever, which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Queen Victoria, her heirs and successors, all treasons and traitorous conspiracies which I shall know to be formed against her or them; and I will be true and faithful to the succession of the Crown, which succession, by an Act intituled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and refusing any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm.

OATH of Roman Catholic.

I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatsoever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power, the succession of the Crown, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm. And I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated

or

No. 25.—DOMINICA—*continued*.

or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatsoever. And I do declare that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly within the British dominions. I do swear, that I will defend to the utmost of my power the settlement of property within this island, as established by the laws; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church establishment, as settled by law within the British dominions. And I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in the British dominions; and I, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever.

So help me God.

OATH of Member of Council.

I, A. B., do swear that I will be true and faithful to the Governor or Commander in Chief of this island for the time being; and that I will, in the place and office of one of Her Majesty's Privy Council for the Island of Dominica, well and faithfully serve and assist the Governor or Commander in Chief for the time being, with my best counsel and advice. I will not reveal directly or indirectly the secret debates of the Council, but will to the best of my judgment and abilities, well and faithfully perform my duty as one of Her Majesty's Privy Council of this island.

So help me God.

OATH of Member of Legislative Assembly.

I, A. B., do swear that as one of the Members of the Legislative Assembly of this island, I will duly serve as such Member, according to the best of my knowledge and ability.

So help me God.

No. 26.

MAURITIUS.

OATHS taken by the Governor on Assumption of Office.

I DO swear that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs, and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intitled "An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject," is, and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm, and I make this declaration upon the true faith of a Christian.

So help me God,

No. 26.—MAURITIUS—*continued.*

I, _____ hereby solemnly promise and swear that I will faithfully and zealously, and conscientiously execute the trust reposed in me by Her Most Gracious Majesty Queen Victoria, as Governor of Mauritius and its Dependencies; and I do sincerely promise and swear that I will, to the utmost of my power and ability observe, maintain and execute, and cause to be observed, maintained and executed, the Laws relating to, and in force, or to be in force within this Island of Mauritius and its Dependencies belonging thereto, and dependent thereon; and that I will equally and impartially administer, or cause to be administered, justice, within the said Island of Mauritius and its Dependencies, to the best of my skill, knowledge and ability.

So help me God.

OATHS taken by Members of Council.

OATH of Allegiance.

I, _____ do hereby solemnly promise and swear that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

OATH of Office.

I, _____ do hereby solemnly promise and swear that I will faithfully, and zealously, and conscientiously execute the trust reposed in me by his Excellency the Governor, on behalf of Her Most Gracious Majesty Queen Victoria, as a Member of the Council of Government [or Executive Council, as the case may be], of the Island of Mauritius and its Dependencies.

So help me God.

AFRICA, MEDITERRANEAN AND ST. HELENA.

No. 27.

GIBRALTAR.

OATHS.

I, _____ do swear that I will be faithful, and bear true allegiance to _____ and will defend _____ to the utmost of my power against all conspiracies and attempts whatever which shall be made against person, Crown or dignity, and I will do my utmost endeavour to disclose and make known to _____ Majesty, _____ heirs and successors, all treasons and traitorous conspiracies which may be formed against _____ or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject," is, and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

I, _____ do further swear, that I will, to the best of my knowledge, skill and judgment, duly and justly execute the office of _____

So help me God.

I, _____ do swear that, as Justice of the Peace in all articles I will do equal right to the poor and to the rich, after my cunning, wit, and power, and after the laws and customs of the realm and statutes thereof made: and I will not be counsel of any quarrel hanging before me; and that I will hold my sessions after the form of the statutes thereof made, and the issues, fines and amerciaments, that shall happen to be made, and all forfeitures which shall fall before me, I will cause to be entered without any concealment, and truly send them to the _____ Revenue. I will not let for gift or other cause, but well and truly I will do my office of Justice of the Peace in that behalf; and that I will take nothing for my office of Justice of the Peace, to be done, but of the _____ and fees accustomed and costs limited by Statute. And I will not direct, nor cause to be directed, any warrant (by me to be made) to the parties, but I will direct them to the Provost Marshal of the city, garrison and territory, or other the _____ officers or ministers, or other indifferent persons to do execution thereof.

So help me God.

No. 28.

MALTA.

OATHS by the Governor and Officer Administering Government.

I, _____ do swear that I will duly execute the office of Governor and Commander in Chief in and over the Island of Malta and its Dependencies; and that I will cause justice to be duly and impartially administered therein.

So help me God.

I, _____ do swear that I will duly administer the civil government of the Island of Malta and its Dependencies; and that I will cause justice to be duly and impartially administered therein.

So help me God.

No. 28.—MALTA—*continued.*

I, _____ do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

I, _____ do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within the realm of Great Britain and Ireland.

So help me God.

I, _____ do truly and sincerely acknowledge, profess, testify, and declare, in my conscience, before God and the world, that our Sovereign Lady Queen Victoria is lawful and rightful Queen of the realm of Great Britain and Ireland, and all other Her Majesty's dominions and countries thereunto belonging: and I do solemnly and sincerely declare, that I do believe in my conscience, that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James the Second, and, since his decease, pretended to be, and took upon himself the style and title of King of England, by the name of James the Third, or of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of therealm of Great Britain and Ireland, or any other the dominions thereunto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to any of them. And I do swear that I will bear faith and true allegiance to Her Majesty Queen Victoria, and her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against her person, Crown, or dignity. And I will do my utmost endeavour to disclose and make known to Her Majesty and her successors all treasons and traitorous conspiracies which I shall know to be against her or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the Crown against the descendants of the said James, and against all other persons whatsoever, which succession, by an Act, intituled "An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electoress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear, according to the express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever, and I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly, and truly, upon the true faith of a Christian.

So help me God.

OATH of Allegiance by President and Members of the Council of Government, President of Her Majesty's Court of Appeal, Judges and Supplementary Judges, Magistrates, Syndics, Consuls of Her Majesty's Commercial Court and First Hall of Her Majesty's Court of Appeal, Commissioners and Assistant Commissioners serving on Elections, Roman Catholic Vicars General, Assessor and Deputation of Marriage Legacies.

I, _____ do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

OATH of Office by President of Her Majesty's Court of Appeal and Judges.

I, _____ do swear that I will faithfully perform the duties of _____ without favour or partiality, according to justice and right, and in accordance with the laws and customs of these islands, to the honour of God and of Her Majesty Queen Victoria, and that I will not, either directly or indirectly, hold any communication with any suitor in any of the Courts, whether superior or inferior, his advocates or procurators, or with any other person on behalf of such suitor, relative to any suit which is now pending or which may be in future contemplation to commence or prosecute in any of the said courts, except in open court, saving always the cases expressly indicated by law; and that I will disclose in open court, and make known to the head of the civil government, all such communication which shall be made to me. And I do further swear that I will not act, either directly or indirectly, as an advocate or as an arbitrator, nor give in any case counsel or advice to any person relative to any suit already commenced or to be hereafter commenced or prosecuted in any of the said courts, saving always the cases excepted by law, without the previous permission of the Government obtained upon a special application to that effect.

So help me God.

No. 28.—MALTA—*continued.*

OATH of Office, by Magistrates and Syndics.

I, _____ do swear that I will faithfully perform the duties of
without favour or partiality, according to justice and right, and in accordance
with the laws and customs of these islands, to the honour of God and of Her Majesty
Queen Victoria.

So help me God.

OATH of Office, by Consuls of Her Majesty's Commercial Court and First Hall of Court of Appeal.

I, the undersigned, do swear that I will faithfully perform the duty of Consul in the
Commercial Court and in the First Hall of the Court of Appeal for the Island of Malta
and its Dependencies, without favour or partiality, according to justice and right, and in
accordance with the laws of these islands, to the honour of God and of Her Majesty
Queen Victoria, and that I will not, except in open court, directly or indirectly hold any
communication, nor will I permit any communication to be held with me by any suitor,
his advocate, or procurator, or any other person on the behalf of such suitor, relative to
any suit in the Commercial Court or in the First Hall of the Court of Appeal, from the
moment the case is called for hearing, so long as I am acting as one of the Consuls; and
that in the event of my having previously held any such communication, I will declare the
same in open court before the commencement of the hearing of the case.

So help me God.

OATH of Office, by Supplementary Judges.

I, _____ do swear that I will faithfully, and with all honesty and exact-
ness, perform the duties of supplementary Judge as by law established.

So help me God.

OATH of Office, by Supplementary Judges, in each Case.

I, the undersigned, do swear that I have not as advocate, or in any other manner, had
any part or concern whatsoever in the suit pending
and that I will have no concern in the said suit, except that which I shall have as a
judge surrogate. I swear, moreover, that I have not advised in regard thereto, nor have
I given any opinion thereon to either or any of the said parties, their advocates, or pro-
curators, or to any other person on the behalf of any of them; and that I will not hold
any communication with the same except in open court; and that I will disclose in open
court, and make known to the head of the civil government, all such communications
which may be made to me. I do further swear, that I will perform the duty of a Judge
in the said suit between

in which I have been surrogated, without favour or partiality, according to justice and
right, and in accordance with the laws and customs of these islands, to the honour of God
and of Her Majesty Queen Victoria.

So help me God.

OATH of Office, by Commissioners serving on Elections.

I, _____ Commissioner appointed to conduct the election
mentioned in the Government notice of the _____, do
promise and swear, that I will faithfully perform the duties of such office, according to
the provisions of the law, and without favour or partiality.

OATH of Office, by Assistant Commissioners serving on Elections.

Io, _____ Assistente Commissionario nominato per
soprintendere la votazione nella elezione menzionata nella notificazione di Governo del
di _____, prometto e giuro di eseguire fedelmente i doveri
di tale ufficio, secondo le disposizioni della legge, e senza favore o parzialità.

No. 28.—MALTA—*continued.*

OATH of Office, by Roman Catholic Vicar General and Assessor.

Io, sottoscritto giuro, di dover eseguire fedelmente i doveri di Guidice Ecclesiastico, in onore di Dio senza favore o parzialità, ma secondo la giustizia ed il diritto, ed a tenore delle leggi della Santa Chiesa Cattolica Romana. Prometto inoltre che nell' esercizio di ali miei doveri, io giammai violerò le leggi, gli statuti e le usanze di queste isole.

Così Iddio mi ajuti.

No. 29.

SIERRA LEONE.

OATH of Governor.

I, do swear, that I will faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria, and to Her heirs and successors; and that I will well and truly execute the office and trust of Governor and in and over the Colony of Sierra Leone, according to the best of my skill and knowledge, and according to the powers vested in me by virtue of Her Majesty's orders, as communicated in and by Her Majesty's commission and instructions, and as appointed and directed in and by Her Majesty's charter, dated at Westminster the 27th day of May, in the year of our Lord 1862; and according to the provisions, instructions, and directions therein contained; and lastly I do swear, that I will do equal justice to all persons, both rich and poor, without any regard to distinction of person or persons.

So help me God.

OATH of Executive Councillors.

I, do swear, that I will bear faith and true allegiance unto Her Most Sacred Majesty Queen Victoria, and Her heirs and successors, and I will also be true and faithful to , and all such other person or persons as Her said Majesty shall from time to time be pleased to appoint, or such person or persons for the time being as shall be duly authorised, appointed, chosen, elected, or commissioned to execute the duties of Governor in and over this Her Majesty's Colony; and that I will, in the place and office of Her Majesty's Councillor for the same, well and faithfully serve Her said Majesty, and promote the good of Her said Majesty's affairs, to and with the utmost of my skill, abilities, and counsel; I will also, to the best of my ability, defend this Colony from all and every foreign invasion and intestine insurrection. And further, I do swear that I will not countenance or conceal, but openly reveal all, every, and any plot or plots and traitorous conspiracies, and all and every treasonable or seditious speeches against Her said Majesty, Her heirs and successors, as well as against all, any, or either of Her said Majesty's legally authorised or duly appointed or commissioned representative or representatives as aforesaid, and will in all such cases give speedy and immediate notice thereof. And last, I do swear that I will not, either directly or indirectly, reveal, disclose, or make known the secret debates of the Council.

So help me God.

OATH of Legislative Councillors.

I, do swear that I will bear faith and true allegiance unto Her Most Sacred Majesty Queen Victoria, and Her heirs and successors, and I will also be true and faithful to , and all such other person or persons as Her said Majesty shall from time to time be pleased to appoint, or such person or persons for the time being as shall be duly authorised, appointed, chosen, elected, or commissioned to execute the duties of Governor in and over this Her Majesty's Colony; and that I will, in the place and office of Her Majesty's Councillor for the same, well and faithfully serve Her said Majesty, and promote the good of Her said Majesty's affairs, to and with the utmost of my skill, abilities, and counsel; I will also, to the best of my ability, defend this Colony from all and every foreign invasion and intestine insurrection.

And

No. 29.—SIERRA LEONE—*continued.*

And further, I do swear that I will not countenance or conceal, but openly reveal all, every, and any plot or plots and traitorous conspiracies, and all and every treasonable or seditious speeches against Her said Majesty, Her heirs and successors, as well as against all, any, or either of Her said Majesty's legally authorised or duly appointed or commissioned representative or representatives as aforesaid, and will in all such cases give speedy and immediate notice thereof; and will do everything in my power for the protection, support, maintenance, and good of the affairs of Her said Majesty, Her heirs, successors, and representatives, as aforesaid.

So help me God.

OATH of Allegiance.

I, _____ do sincerely promise and swear that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

No. 30.

G A M B I A.

(Not received.)

No. 31.

G O L D C O A S T.

OATHS for the Governor.

(No. 1.)

I, A. B., do solemnly and sincerely promise and swear that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

(No. 2.)

I, A. B., do solemnly and sincerely swear that I do from my heart abjure and deny the right of all pretenders to the Throne and Crown of the United Kingdom of Great Britain and Ireland, and of any person other than Her Majesty Queen Victoria, whom I believe and acknowledge to be the rightful Queen of the realm of Great Britain and Ireland, and all other Her Majesty's dominions thereunto belonging, and to the best of my power I will defend Her Majesty against all traitorous conspiracies and treasons which I shall know to be against Her person, crown, or dignity.

So help me God.

(No. 3.)

I, A. B., do solemnly and sincerely swear that I will discharge the duties appertaining for the time being to my trust and office of Governor and Commander-in-Chief of Her Majesty's Forts and Settlements on the Gold Coast, justly, truly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability, for the honour and dignity of Her Majesty Queen Victoria, and the good government of Her Majesty's said Forts and Settlements on the Gold Coast, and the dependencies thereon.

So help me God.

No. 31.—GOLD COAST—*continued.*

OATHS for the Chief Justice and Judicial Assessor.

(No. 1.)

I do solemnly and sincerely swear that, as Chief Justice of the Supreme Court of Her Majesty's Forts and Settlements on the Gold Coast, I shall do equal justice to the poor and to the rich after my cunning, wit, and power, and after the laws and customs of the realm and statutes thereof, and after the laws and ordinances in force in the said Forts and Settlements. I shall not let for gift or other cause, but well and truly I shall do my office of Chief Justice.

So help me God.

(No. 2.)

I do solemnly and sincerely swear that, as a Justice of the Peace on the Gold Coast of Africa, and as Assessor to the Native Chiefs within the protected territories on the said Gold Coast of Africa in all articles of the commission to me directed, I shall do equal right to the poor and to the rich after my cunning, wit, and power, and after the laws and customs of the realm and statutes thereof made, so far as the same may be applicable to the said Gold Coast of Africa; and I shall not be of counsel of any quarrel hanging before me, and the issues, fines, and amerciaments that shall happen to be made, or that shall fall before me, I shall cause to be entered without any concealment or embezzlement, and truly send them to the proper colonial authorities. I shall not let for gift or other cause, but well and truly I shall do my offices of Justice of the Peace and Assessor in that behalf. And I shall take nothing for my offices of Justice of the Peace and Assessor, but of the Queen and fees accustomed.

So help me God.

OATH for Colonial Secretary.

I, A. B., do solemnly and sincerely swear that I will discharge the duties appertaining for the time being to my trust and office of Colonial Secretary and Registrar of Wills of the Government of Her Majesty's Forts and Settlements on the Gold Coast, justly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability, and so as that all and every matters, documents, and securities coming to my hands or into my office chamber for the use or custody of this Government, shall be duly and carefully kept, and all vouchers for payments duly examined and certified as to their correctness in all respects previous to obtaining the Governor's signature.

So help me God.

OATH for Councillors.

I do faithfully promise and swear that, as a Member of the Councils of the Gold Coast, I will give my best advice and assistance for the good government of Her Majesty's possessions thereon, and that I will execute the several powers and trusts reposed in me according to the best of my skill and judgment, without favour or affection, prejudice or malice, to any person whatsoever.

So help me God.

OATH for Special Councillor.

I do faithfully promise and swear that, as a Member of the [Executive or Legislative] Council of the Gold Coast on this special occasion, I will give my best advice and assistance for the good government of Her Majesty's possessions on the Gold Coast, and that I will execute the several powers and trusts reposed in me according to the best of my skill and judgment, without favour or affection, prejudice or malice, to any person whatsoever.

So help me God.

OATH for Clerk of Council.

I do solemnly and sincerely promise and swear that I will discharge the duties for the time being appertaining to my trust and office of Clerk of the Councils of Her Majesty's Forts and Settlements on the Gold Coast justly, truly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability, and that I will in no way, directly or indirectly, impart to any person or persons, unless so directed by the Governor for the time being, the substance of any subject coming to my knowledge in the discharge of my aforesaid duties or otherwise, and that I will use my best diligence that all books and other documents and papers, in manuscript or printed, shall be withheld from inspection by any person except such party or parties directed to view the same by the Governor for the time being.

So help me God.

 No. 31.—GOLD COAST—*continued.*

OATH for Receiver General.

I DO solemnly and sincerely swear that I will discharge the duties appertaining for the time being to my trust and offices of Receiver General of Revenue, and Postmaster General in the government of Her Majesty's forts and settlements on the Gold Coast justly, truly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability, so as that all and every matters, moneys, documents, and securities coming to my hand, or into my office chamber for the use or custody of this Government, shall be duly and carefully accounted for, kept, entered into, the accounts exhibited and handed over, and all rightful payments made, and all accounts and books of accounts truly and carefully filled up, balanced and transmitted, and all proper vouchers at all times required, kept, and transmitted as the same respectively ought to be; and I will, in the exercise of my office, collect and require to be paid by merchants, traders, masters, and collectors, and all other persons liable, all customs and marine duties due according to the laws for the time being in force in that behalf, and for that purpose will use my best endeavours to ascertain, or have ascertained, the amount and value of all goods, and the number of ships in respect of which Customs or duties as aforesaid shall be payable.

So help me God.

OATH for Queen's Advocate.

I, A. B., do solemnly and sincerely swear that I will discharge the duties appertaining for the time being to my trust and office of Queen's Advocate for Her Majesty's forts and settlements on the Gold Coast, justly, truly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability for the honour and dignity of Her Majesty Queen Victoria, and the good government of Her Majesty's said forts and settlements on the Gold Coast, and the dependencies thereof.

So help me God.

OATHS for Magistrates.

(No. 1.)

OATH of Allegiance (*see* No. 1, page 39).

(No. 2.)

OATH of Abjuration (*see* No. 2, page 39).

(No. 3.)

I DO solemnly and sincerely swear that I will discharge the duties appertaining for the time being to my trust and office of a Justice of the Peace in the government of Her Majesty's forts and settlements on the Gold Coast, justly, truly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability, and for the preservation of the peace, and the apprehending and obtaining due security from, or duly imprisoning all breakers of the same in manner according to law, statute, ordinance or custom for the time being in force in those behalves respectively.

So help me God.

OATH of Allegiance by King of Protectorate.

I DO solemnly and sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

No. 32.

LAGOS.

OATH for Governor and Commander in Chief.

I, _____, do solemnly and sincerely swear that I will discharge the duties appertaining for the time being to my trust and office of Governor and Commander in Chief of the Settlement of Lagos and its dependencies, justly, truly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability, for the honour and dignity of Her Majesty Queen Victoria, and the good government of Her Majesty's said settlement and the dependencies thereon.

So help me God.

OATH for Lieutenant Governor and Commander in Chief.

I, _____, do solemnly and sincerely swear that I will discharge the duties appertaining for the time being to my trust and office of Lieutenant Governor, Commander in Chief, and Vice Admiral of the Settlement of Lagos and its dependencies, justly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability, for the honour and dignity of Her Majesty Queen Victoria, and the good government of Her Majesty's said settlement and the dependencies thereon.

So help me God.

OATH for Commissioners of Petty Debt Court.

WE, the undersigned, do solemnly and sincerely swear that we will discharge the duties appertaining for the time being to our trust and office of Commissioners of the Petty Debt Court, in the government of Lagos, justly, truly, faithfully, and diligently, according to the best of our knowledge, cunning, and ability, and for the good government of Lagos aforesaid, in manner according to law, statute, ordinance or custom for the time being in force in that behalf.

So help us God.

OATH for Chief Magistrate.

I, THE undersigned, do solemnly and sincerely swear that I will discharge the duties appertaining for the time being to my trust and office of Chief Magistrate of the settlement of Lagos and its dependencies, justly, truly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability, for the honour and dignity of Her Majesty Queen Victoria, and the good government of Her Majesty's said settlement and the dependencies thereon.

So help me God.

OATH for a Justice of the Peace and Judicial Assessor.

I, THE undersigned, do solemnly and sincerely declare that I will discharge the duties appertaining for the time being to my trust and offices of Justice of the Peace and Judicial Assessor in the government of Lagos, justly, truly, faithfully, and diligently, according to the best of my knowledge, cunning, and ability, and for the preservation of the peace, and the apprehending and obtaining due security from, or duly imprisoning all breakers of the same in manner according to law, statute, ordinance or custom for the time being in force in those behalves respectively.

So help me God.

OATH for a Justice of the Peace.

I, THE undersigned, do solemnly and sincerely declare that I will discharge the duties appertaining for the time being to my trust and office of a Justice of the Peace in the government of Lagos, justly, truly, faithfully, and diligently, according to the best of my knowledge, cunning and ability, and for the preservation of the peace, and the apprehending and obtaining due security from, or duly imprisoning all breakers of the same in manner according to law, statute, ordinance or custom for the time being in force in those behalves respectively.

So help me God.

No. 32.—LAGOS—*continued.*

OATH for Councillors.

I, THE undersigned, do faithfully promise and swear that as a member of the Executive and Legislative Council of Lagos, I will give my best advice and assistance for the good government of Her Majesty's settlement, and that I will execute the several powers and trusts reposed in me, according to the best of my skill and judgment, without favour or affection, prejudice or malice to any person whatsoever.

So help me God.

OATH of Allegiance.

I, THE undersigned, do solemnly and sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

OATH of Abjuration.

I, THE undersigned, do solemnly and sincerely swear that I do from my heart abjure and deny the right of all pretenders to the Throne and Crown of the United Kingdom of Great Britain and Ireland, and of any person other than Her Majesty Queen Victoria, whom I believe and acknowledge to be the rightful Queen of the realm of Great Britain and Ireland and all other Her Majesty's dominions thereunto belonging; and, to the best of my power, I will defend Her Majesty against all traitorous conspiracies and treasons which I shall know to be against her person, Crown, or dignity.

OATH of

I, THE undersigned, do solemnly and sincerely swear that I do not, nor will I, so long as I am in the commission of the peace, hold, directly or indirectly, either in my own right or that of any other person, any slave or pawn.

So help me God.

No. 33.

CAPE OF GOOD HOPE.

OATHS taken by the Governor of the Colony.

(No. 1.)

I DO sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

(No. 2.)

I DO promise and swear that I will faithfully and diligently execute to the utmost of my abilities the several duties of the office, place of trust or profit conferred on me.

So help me God.

OATH of Allegiance by Members of the House of Assembly.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this colony of the Cape of Good Hope; and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against her person, Crown, and dignity; and that I will do my utmost endeavours to disclose and make known to Her Majesty, her heirs, and successors, all treasons, and traitorous conspiracies, and attempts, which I shall know to be against Her Majesty, or any of them:—And all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person, or persons whatever, to the contrary.

No. 33.—CAPE OF GOOD HOPE—*continued.*DECLARATION of Qualification in Moveable and Immoveable Property, by
Members of the Legislative Council.

I, _____, do declare and testify that I am the owner for my own use and benefit of immoveable property, situate at _____ in the colony of the Cape of Good Hope, of the clear value, if unencumbered, of two thousand pounds sterling money, and that I am possessed of property moveable and immoveable within the said colony, to the value of four thousand pounds sterling money, over and above all my just debts; and I further testify and declare that I have not, collusively or colourably, obtained a title to the said property, or any part thereof, for the purpose of qualifying, or enabling me to be returned a member of the Legislative Council of the Cape of Good Hope.

DECLARATION of Qualification in Immoveable Property, by Members of the
Legislative Council.

I, _____, do declare and testify that I am the owner, for my own use and benefit, of immoveable property situate at _____ in the colony of the Cape of Good Hope, of the clear value of two thousand pounds sterling money, over and above all special conventional mortgages affecting the same; and that I have not collusively or colourably obtained a title to the said property, or any part thereof, for the purpose of qualifying or enabling me to be returned as member of the Legislative Council of the Cape of Good Hope.

OATH of Allegiance by Members of the Legislative Council.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this colony of the Cape of Good Hope; and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against her person, Crown, and dignity; and that I will do my utmost endeavours to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her Majesty, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary.

OATH of Members of the Executive Council.

I, _____, do promise and swear that I will faithfully and diligently execute to the utmost of my abilities the several duties of the office of a member of the Executive Council of the Cape of Good Hope.

So help me God.

No. 34.

N A T A L.

OATH of Lieutenant Governor.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs, and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right

No. 34.—NATAL. *continued.*

to the Crown of this Realm; and I do declare that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

OATH of Office.

I, _____, do promise and swear that I will faithfully and diligently execute to the utmost of my abilities the several duties of the office which has this day devolved upon me.

So help me God.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George the Fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever which shall be made against his person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, his heirs, and successors, all treasons and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power, the succession of the Crown, which succession, by an Act intitled an "Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do further declare that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion that princes excommunicated or deprived by the Pope or any other authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatsoever; and I do declare, that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant Religion or Protestant Government in the United Kingdom; and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever.

So help me God.

OATH of Members of the Executive Council.

I, _____, do promise and swear that I will, without fear or favour, and to the best of my abilities, discharge the office of a member of the Executive Council; and I do further swear that I will not make known or divulge any of the acts, proceedings, or discussions of any Council, unless permitted so to do by the written permission of the officer administering the Government.

So help me God.

OATH of Allegiance.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

OATH of Clerk of the Executive Council.

I, _____, do promise and swear that I will, to the best of my abilities, discharge the offices of the Clerk of the Executive Council; and I do further swear that I will not make known or divulge any of the acts, discussions, or proceedings of such Council, unless permitted so to do by the written permission of the officer administering the Government.

So help me God.

No. 34.—NATAL—*continued*.

COPY of OATH from Natal Charter.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty.

So help me God.

No. 35.

ST. HELENA.

OATH of the Governor.

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and I will, in the place and office of Her Majesty's Governor of the Island, well and faithfully serve her said Majesty, and promote the good of Her Majesty's affairs to the utmost of my ability.

So help me God.

OATH of a Member of the Council.

I, C. D., do swear that I will to the best of my judgment and ability faithfully advise and assist His Excellency the Governor of St. Helena, in all such matters as shall be brought under my consideration, as a member of the Council of this Island.

So help me God.

EASTERN COLONIES.

No. 36.

CEYLON.

OATH of the Governor and Commander-in-Chief.

I, _____, do solemnly swear that I will, to the best of my knowledge, skill, and judgment, duly and justly execute the office of Governor and Commander-in-Chief of the Island of Ceylon with its dependencies, and all and singular the powers and directions contained and referred to in Her Majesty's commission appointing me to the said office, and will cause justice to be equally and impartially administered in and throughout the said island and its dependencies.

So help me God.

OATH administered to the Governor.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

OATH administered to the Members of the Executive and Legislative Councils.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

OATH administered to the Members of the Executive Council.

I, _____, do solemnly swear that I will observe all due secrecy with respect to the proceedings in the Executive Council, and that I will not intentionally or knowingly divulge any matter or thing communicated to me as a member of council, without permission for that purpose from the Governor or acting Governor in council for the time being.

So help me God.

OATH administered to the Members of the Executive and Legislative Councils.

I, _____, do solemnly swear that I will, to the best of my knowledge, skill, and judgment, duly and justly execute the office of _____ and impartially administer justice in every cause, matter, or thing which shall come before me, without favour, affection, prejudice, or malice.

So help me God.

No. 37.

HONG KONG.

OATH of the Governor.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

 No. 37.—HONG KONG—*continued*.

I, _____, do swear that I will truly and faithfully, according to the best of my skill, understanding, and judgment, do and perform all duties appertaining to the office of Governor and Commander in Chief of the Colony of Hong Kong, to which office Her Majesty the Queen has been graciously pleased to nominate and appoint me, and further that I will duly and impartially administer justice to all persons without fear, favour, or affection, gain or reward, or the hope of either.

So help me God.

OATH of Members of the Legislative Council.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

No. 38.

LABUAN.

OATH of Governor and Commander in Chief.

I, _____, do swear that I will, to the utmost of my endeavour, well and faithfully execute the offices of Governor, Commander in Chief, and Vice Admiral of Her Majesty's Island of Labuan and its dependencies, and that in my conscience, to the best of my judgment and ability, I will in all cases duly and impartially administer justice.

So help me God.

OATH of Members of the Legislative Council.

I, _____, of Her Majesty's Island of Labuan, and a Justice of the Peace in and for the same, do swear that I will truly and faithfully, to the best of my skill and knowledge, discharge the duties of a member of the Legislative Council of the said island.

AUSTRALIAN COLONIES.

No. 39.

NEW SOUTH WALES.

OATH of Office as Captain General and Governor in Chief, and for the due Administration of Justice and the Observance of the Laws of Navigation and Trade.

I SWEAR that, as Captain General and Governor in Chief of the Colony of New South Wales, I will, so far as in me lies, cause justice to be administered therein according to law, impartially and without distinction of persons; that I will do my utmost to cause all statutes in force within or affecting the Colony, relating to navigation or trade, to be duly observed, and that I will in all other respects faithfully execute the duties of my office and trust as such Captain General and Governor under Her Majesty's Commission in that behalf, to the best of my skill, understanding, and ability.

So help me God.

OATH of Office and of Secresy.

I DO swear that I will, to the best of my judgment and ability, faithfully advise and assist the Governor, or Acting Governor, of the Colony of New South Wales, in all such matters as shall be brought under my consideration as a Member of the Executive Council of the said Colony; and I do swear that I will not, directly or indirectly, communicate or reveal to any person or persons any matter which shall be so brought under my consideration, or shall become known to me, as a Member of the said Council, and which shall by the said Governor or Acting Governor be directed to be kept secret.

So help me God.

OATH of Allegiance.

I, _____ do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of New South Wales, belonging to and dependent on the said United Kingdom, and to her successors in the Sovereignty of the said United Kingdom.

So help me God.

OATH of Colonial Treasurer and Collector of Internal Revenue.

I SWEAR that I will, to the best of my ability, skill, and knowledge, well and faithfully execute the office and trust of Her Majesty's Colonial Treasurer and Collector of Internal Revenue of New South Wales, and that I will faithfully and carefully keep, and justly and truly account for all moneys which shall come to my hands, or be in my care and charge as such Treasurer and Collector of Internal Revenue, or in relation to that office, and I will in all other things honestly, zealously, and impartially discharge and exercise the duties, powers, and authorities appertaining to me in the said office.

OATH of Colonial Secretary or other Minister.

I DO swear that I will, according to the best of my ability, skill, and knowledge, well and faithfully execute the office and trust of [Colonial Secretary (or other minister, as the case may be)], of New South Wales, and I will in all things honestly, zealously, and impartially discharge and exercise the duties, powers, and authorities appertaining to me in the said office.

No. 40.

VICTORIA.

OATHS taken by the Governor of the Colony of Victoria.

(No. 1.)

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies, and attempts whatever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act intituled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is, and stands limited, to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person, claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

(No. 2.)

I, A. B., do swear that I will duly execute, according to the best of my skill and knowledge, the office and trust of Governor and Commander in Chief of the Colony of Victoria and its dependencies, and that I will in all things appertaining to me in my said place and office, duly and impartially administer justice in the said Colony.

So help me God.

(No. 3.)

I, A. B., do swear that I will duly execute, according to the best of my skill and knowledge, the office and trust of Vice-Admiral Commissary and Deputy in the office of Vice-Admiralty in the Colony of Victoria and its dependencies, and that I will in all things appertaining to me in my said place and office, duly and impartially administer justice in the said Colony.

So help me God.

OATH taken by Members of the Executive Council of the Colony of Victoria.

I, A. B., do swear that I will, to the best of my judgment and ability, faithfully advise and assist the Governor, or Acting Governor, of the Colony of Victoria, in all such matters as shall be brought under my consideration as a Member of the Executive Council of the said Colony; and I do swear that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be so brought under my consideration, or shall become known to me as Member of the said Council, and which shall by the said Governor or Acting Governor be directed to be kept secret.

So help me God.

OATH prescribed to be taken by Section 1 of Act No. 45, intituled, "An Act to Assimilate and Simplify the Oaths of Qualification for Office."

OATH of Allegiance.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, lawful sovereigns of the United Kingdom of Great Britain and Ireland, and of this Colony of Victoria.

So help me God.

No. 40.—VICTORIA—*continued*.

OATH prescribed to be taken by Members of the Legislative Council and Legislative Assembly, pursuant to the 32d Section of the Constitution Statute.

SCHEDULE (C).

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of Victoria.

So help me God.

No. 41.

QUEENSLAND

OATHS taken by the Governor.

(No. 1.)

OATH of Allegiance (as prescribed in the Instructions to the Governor).

(No. 2.)

OATH of Office as Captain General.

I, _____ do swear that I will duly execute, according to the best of my skill and knowledge, the office and trust of Captain General and Governor in Chief of the Colony of Queensland and its dependencies, and that I will in all things appertaining to me in my said place and office, duly and impartially administer justice in the said territory.

So help me God.

(No. 3.)

OATH to Observe the Laws of Trade.

I, _____ do swear that I will, to the best of my skill and power, as Captain General and Governor in Chief of the Colony of Queensland and its dependencies, do my utmost that all the clauses, matters, and things contained in any Act of Parliament now in force, or that shall hereafter be made, relating to trade or to any of the British Plantations or Colonies, shall be punctually and faithfully observed according to the true intent and meaning thereof.

So help me God.

(No. 4.)

OATH of Allegiance taken by the Members of the Executive Council, &c.

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of Queensland, belonging to and dependent on the said United Kingdom, and to her successors in the Sovereignty of the said United Kingdom.

So help me God.

(No. 5.)

OATH of Office and of Secrecy taken by Members of the Executive Council.

I do swear that I will, to the best of my judgment and ability, faithfully advise and assist the Governor, or Acting Governor, of the Colony of Queensland, in all such matters as shall be brought under my consideration as a Member of the Executive Council of the said Colony; and I do swear that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be so brought under my consideration, or shall become known to me, as a Member of the said Council, and which shall by the said Governor or Acting Governor be directed to be kept secret.

So help me God.

No. 41.—QUEENSLAND—*continued.*

(No. 6.)

OATH of Allegiance taken by Members of the Legislative Council.

I, _____ do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of Queensland, dependent on and belonging to the said United Kingdom.

So help me God.

(No. 7.)

OATH of Allegiance, taken by Members of the Legislative Assembly.

I, _____ do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of Queensland, dependent on and belonging to the said United Kingdom.

So help me God.

N.B.—The Oath of Allegiance in terms identical (*mutatis mutandis*) with that taken by the Members of the Legislative Council and Legislative Assembly, is also taken by the Judges of the Supreme Court, and by the Justices of the Peace.

No. 42.

TASMANIA.

OATHS for the Governor and Executive Councillors.

OATHS of the Governor.

I DO swear that I will faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria, and to her heirs and successors, and that I will well and truly execute the offices and trust of Captain General and Governor in Chief in and over the island of Tasmania and its dependencies, according to the best of my skill and knowledge, and according to the power granted to the Governor of the said island and the dependencies thereof, for the time being, by virtue of Her Majesty's Letters Patent, bearing date at the _____ day of _____ in the _____ year of Her said Majesty's reign; and I do further swear that I will, during such time as aforesaid, according to the best of my skill and knowledge, and according to the power as aforesaid granted, or in any other manner in me vested, duly and impartially administer, and cause to be duly and impartially administered, in and throughout the said island of Tasmania and the dependencies thereof, all the laws, statutes, and ordinances which are now or hereafter shall be in force therein.

So help me God.

I, _____ do swear that I will, to the best of my skill and power, so long as I shall continue in the government and command of Her Majesty's Province of Tasmania, well and truly execute and perform all matters and things which, by the statute made in the 12th year of the reign of King Charles the Second, intituled "An Act for the Encouraging and Increasing of Shipping and Navigation," and the other statute made in the 15th year of His said Majesty's reign, intituled "An Act for the Encouragement of Trade," and also the Act made in the 7th and 8th years of the reign of His late Majesty King William, intituled "An Act for Preventing Frauds, and Regulating Abuses in the Plantation Trade," and also all other Acts which have been made and are in force for the better regulating and securing the Plantation Trade, I am required as Captain General and Governor in Chief of the said Province to be sworn to the performance of.

So help me God.

No. 42.—TASMANIA—*continued*.

OATH of an Executive Councillor.

I SWEAR that I faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria, and to her heirs and successors, and shall be true and faithful unto His Excellency Sir _____ as he is commissioned Captain General and Governor in Chief in and over this Her Majesty's Island of Tasmania and the dependencies thereof; and that I will, in the place and office of Her Majesty's Councillor of this island and its dependencies, well and faithfully serve Her said Majesty, and promote the good of Her Majesty's affairs with my best advice and counsel; and I will, with my best ability, defend this island and the dependencies thereof from all foreign invasions and intestine insurrections. I will not countenance or conceal any plot or seditious conspiracy, or any treasonable or seditious speeches against Her said Majesty, her heirs or successors, or His said Excellency; but I will give speedy notice thereof unto His said Excellency, or to some Member of the Council. The secret debates of the Council I will not reveal. All which I will, to the utmost of my ability, perform.

So help me God.

N.B.—Besides these oaths, the practice has hitherto been to administer the oaths of allegiance, supremacy, and abjuration: but this is clearly in contravention of the Act of the Imperial Parliament, 21 & 22 Vic. cap. 48, which prescribes but one form of oath in place of these three. The legal form will be used on future occasions.

OATH of a Member of Parliament.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of Tasmania, dependent upon and belonging to the said United Kingdom, and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever, which shall be made against her person, crown, and dignity, and that I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against her or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary.

So help me God.

No. 43.

SOUTH AUSTRALIA.

OATH of Office as Governor, in accordance with Imperial Statute, No. 48, of 21st and 22d Vict.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power, the succession of the Crown, which succession, by an Act, intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian.

So help me God.

No. 43.—SOUTH AUSTRALIA—*continued*.

OATH of Office as Governor.

I, _____, swear that I will faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria, and to her heirs and successors, and that I will truly execute the office and trust of Captain General and Governor in Chief in and over the Province of South Australia, according to the best of my skill and knowledge, and according to the powers and authorities to me granted by virtue of Her Majesty's Letters Patent, bearing date at Westminster the _____ day of _____ in the _____ year of Her Majesty's reign, and in the year of our Lord one thousand eight hundred and _____

So help me God.

OATH as Governor for the due Administration of Justice and Observance of Laws of Trade and Plantations.

I SWEAR that I will duly and impartially administer justice, and that I will do my utmost that the several Laws in force relating to Trade and the Plantations be duly observed according to the true intent and meaning thereof.

So help me God.

OATH of Allegiance as Members of Parliament.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province of South Australia, dependent on and belonging to the said United Kingdom, and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against her person, crown, and dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against her, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary.

So help me God.

OATH of Office for Members of Executive Council.

I, _____, do swear that I will faith and true allegiance bear unto Her Most Sacred Majesty Queen Victoria, and to her heirs and successors, and be true and faithful to His Excellency _____, and that I will in the place and office of Her Majesty's Councillor of this Province, well and faithfully serve Her said Majesty and promote the good of Her Majesty's affairs with my best advice and counsel. I will with my best ability defend this Province from all foreign invasion and insurrections; I will not countenance or conceal any plot or seditious conspiracy, or any treasonable or seditious speeches against Her said Majesty, her heirs or successors, or His said Excellency, but I will give speedy notice thereof unto His said Excellency, or to some Member of the Council. The secret debates of the Council I will not reveal either directly or indirectly.

All of which I will to the utmost of my ability perform.

So help me God.

No. 44.

WESTERN AUSTRALIA.

OATHS taken by the Governor.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

I, _____, do sincerely promise and swear that I will faithfully and zealously, to the best of my power, judgment, and ability, discharge the duties of my office and trust as Governor and Commander-in-Chief of this colony of Western Australia, so as shall most conduce to the welfare and advancement thereof, and to the honour of Her Britannic Majesty, and that I will cause justice to be duly and impartially administered in all cases, and to all parties throughout the said colony.

So help me God.

No. 44.—WESTERN AUSTRALIA—*continued*.

I, _____, do sincerely promise and swear that, to the utmost of my power and ability, I will obey and cause to be obeyed all statutes, orders in council, and laws whatsoever of the realm of England, now in force or hereafter to be made and published, relative to British Trade and Plantations.

So help me God.

OATHS taken by a Member of the Executive Council.

I, _____, do sincerely promise and swear that I will faithfully bear true allegiance to Her Majesty Queen Victoria.

So help me God.

I, _____, do solemnly and sincerely promise and swear that, as a member of the executive council of Western Australia, I will advise according to the best of my cunning and discretion, so as shall most conduce to the honour of our Sovereign Lady the Queen of the United Kingdom of Great Britain and Ireland, and to the public good, without partiality, through affection, love, meed, doubt, or dread; that I will keep secret the deliberations of the said council, that I will avoid corruption, that I will help and strengthen the execution of all that shall be resolved in the said council, and that I will withstand all persons that would attempt the contrary, and lastly, that I will observe, keep, and do all that a true councillor ought to do to his Sovereign.

So help me God.

OATHS taken by a Member of the Legislative Council.

I, _____, do sincerely promise and swear that I will faithfully bear true allegiance to Her Majesty Queen Victoria.

So help me God.

I, _____, do solemnly and sincerely promise and swear that I will, to the best of my judgment and ability, well and truly exercise and discharge the trusts and office of a Member of the Legislative Council of Western Australia.

So help me God.

No. 45.

NEW ZEALAND.

OATH of Allegiance taken by the Governor.

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

OATH of Office taken by the Governor.

I, _____, do solemnly swear that I will duly execute the office of Governor of the colony of New Zealand and its dependencies, and that I will duly and impartially administer justice therein.

So help me God.

OATH of Allegiance for Members of the Executive Council.

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

No. 45.—NEW ZEALAND—*continued.*

OATH of Office for Members of the Executive Council.

I DO hereby solemnly swear and declare that I will, in my office of executive councillor, to the best of my wit and ability, impartially advise His Excellency the Governor, in all matters brought before the executive council of New Zealand.

OATH of Allegiance taken by Members of the General Assembly.

I, _____, do sincerely promise and swear that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

FALKLAND ISLANDS AND HELIGOLAND.

No. 46.

FALKLAND ISLANDS.

OATH of Member of Executive Council.

I, A. B., do swear that I will, in the place and office of Member of the Executive Council of the Falkland Islands, well and faithfully serve and assist the Governor of the said Islands for the time being, with my best advice, and that I will keep secret the secret debates of the said Council.

So help me God.

(signed) A. B.

OATH of Clerk of Executive Council.

I, A. B., do swear that as clerk to the Executive Council, I will keep secret the secret debates of the said Council, and faithfully enter all proceedings, deliberations, acts, votes, and resolutions of the said Council, according to such directions as I shall receive from the said Council.

So help me God.

(signed) A. B.

MARRIAGE ORDINANCE, No. 1, of 1858.—Schedule B. (Sections 6 and 18).

OATH or Affirmation.

I HEREBY make oath (or solemn affirmation, as the case may be,) that there is no impediment of kindred or alliance to a marriage between A. B. and me, C. D., and that the consent of E. F., her father, has been obtained thereto.

Sworn (or declared) this day of

(signed) A. B.

(Or one of the parties intending marriage.)

OATH of Justice of the Peace.

I, A. B., do swear that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever, which shall be made against her person, Crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power, the succession of the Crown, which succession by an Act, intituled "An Act for the Limitation of the Crown, and better Securing the Rights and Liberties of the Subject," is and stands limited in the Princess Sophia, Electress of Hanover, and heirs of her body being Protestants, hereby utterly renouncing, and abjuring any obedience or allegiance unto any person claiming or pretending a right to the Crown of this realm, and I do declare that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, or pre-eminence, or authority, ecclesiastical or spiritual, within this realm, and I make this declaration upon the true faith of a Christian.

So help me God.

OATH to be taken by a Justice of the Peace professing the Roman Catholic Religion.

I, A. B., do sincerely promise and swear that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria, and I will defend her to the utmost of my power against all conspiracies and attempts whatever, which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them, and I do faithfully promise to maintain, support and defend to the utmost of my power the succession of the Crown, which succession by an Act, intituled

No. 46.—FALKLAND ISLANDS—*continued.*

“An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject,” is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming, or pretending a right to the Crown of this realm; and I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects; or by any person whatsoever, and I do declare that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state or potentate hath, or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm. I do swear that I will defend to the utmost of my power the settlement of property within this realm as established by the laws: and I do hereby disclaim, disavow, and so solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm; and I do solemnly swear that I never will exercise my privilege, to which I am or may become entitled, to disturb, or weaken the Protestant religion, or Protestant Government of the United Kingdom; and I solemnly, in the presence of God, profess, testify and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever.

So help me God.

OATH of Office of a Justice of the Peace professing the Roman Catholic Religion.

YE shall swear that as Justice of the Peace in the Falkland Islands, and the dependencies thereof, in all articles of the Queen's Commission to you directed, you shall do equal right to the poor and to the rich, after your cunning, wit, and power, and after the laws and customs of the realm, and statutes thereof made; and ye shall not be of counsel of any quarrel hanging before you; and that ye hold your sessions after the form of the statutes thereof made.

And the issues, fines, and amerciaments that shall happen to be made, and all forfeitures which shall fall before you, ye shall cause to be entered without any concealment (or embezzlement), and truly send them to the Queen's Exchequer; ye shall not let for gift or other cause, but well and truly ye shall do your office of Justice of the Peace in that behalf; and that you take nothing for your office of Justice of the Peace to be done, but of the Queen and fees accustomed, and costs limited by statute; and ye shall not direct, nor cause to be directed, any warrant (by you to be made) to the parties, but ye shall direct them to the bailiff of the said islands and their dependencies, or other the Queen's officers or ministers, or other indifferent persons, to do execution thereof.

So help you God.

OATH of Office.

I, A. B., Lieutenant Governor of the Falkland Islands and their Dependencies, do hereby solemnly declare and swear that I will at all times faithfully perform and execute to the best of my skill and knowledge, all things for the good of the said Colony, and for securing the due and impartial administration of justice therein, which by Her Majesty's Commission I am directed or ought to do as Lieutenant Governor of the said Falkland Islands and their Dependencies.

So help me God.

(signed) A. B.

OATH of Allegiance.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

(signed) A. B.

OATH of Supremacy.

I, A. B., do swear that I do from my heart abhor, detest, and abjure as impious and heretical that damnable doctrine and position that princes excommunicated or deprived by the Pope or any authority of the See of Rome, may be deposed or murdered by their subjects or any other whatsoever; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.

So help me God.

(signed) A. B.

No. 47.

HELIGOLAND.

(No. 28.)

COPY of DESPATCH from Lieutenant-Colonel *Maxse* to the Right Honourable
Edward Cardwell, M.P., &c. &c. &c.

Sir,

Heligoland, 2 October 1865.

IN reply to the directions contained in your Circular Despatch of the 10th of June 1865, I have the honour to inform you that the oath taken alike by the Governor, the Members of the Councils, Executive and Legislative, the combined Court, the Judges of the Court of Sessions, and the stipendiary magistrates, on their several appointments, is that of allegiance to Her Majesty.

I have, &c.
(signed) *Fitz-Marse*,
Lieutenant-Colonel, &c.

OATHS (COLONIES).

COPY of each OATH now required to be taken in any COLONY by the GOVERNOR or other CHIEF MAGISTRATE, the MEMBERS of the LEGISLATURE, or SUPREME COUNCIL, or other similar Body respectively.

(*Mr. O'Reilly.*)

Ordered, by The House of Commons, to be Printed,
12 June 1866.

[*Price 8 d.*]

344-

Under 8 oz.

QUEBEC FORTIFICATIONS.

RETURN to an Address of the Honourable The House of Commons,
dated 19 April 1866 ;—for,

“ RETURN showing the DIFFERENCE in COST of WORK performed respectively
by MILITARY WORKING PARTIES and by CONTRACT, upon the Works of
FORTIFICATION now in Progress at *Quebec*.”

War Office, }
14 May 1866. }

HARTINGTON.

RETURN showing the DIFFERENCE in COST of WORK performed respectively by
MILITARY WORKING PARTIES and by CONTRACT, upon the Works of FORTI-
FICATION now in Progress at *Quebec*.

DESCRIPTION OF WORK.	COST.		REMARKS.
	By Contract.	By Military Working Parties.	
Excavating ground for ditches, &c., re- moving the stuff, and forming earth- works.	1	·7	The cost by military parties is shown in decimals, that by contract being equal to 1.
Excavating, removing, and forming for roads.	1	·7	The relative cost of work by mili- tary labour, is given from the best information at present available; but strictly accurate returns of the saving thereby effected in the works of for- tification at Quebec, cannot of course be given until those works are more nearly advanced towards completion.
Forming surface of roads, and covering with broken stone metalling.	1	·7	
Rubble masonry of stone found on the works.	1	·74	
Ditto, of stone purchased from quarries at a distance.	1	·86	
Ashlar masonry of stone found on the site.	1	·72	The cost of works executed by military parties varies, being depend- ent upon the extent and nature of the work, and the continuous employment of a sufficient number of men, with a due proportion of men of the different trades required.
Ditto of stone purchased - - -	1	·84	
Brickwork, the bricks being made on the works.	1	·78	
Ditto, the bricks purchased - -	1	·9	
Carpenters' work in floors, roofs, &c. -	1	·84	
Joiners' work in doors, sashes, &c. -	1	·76	
General cost of work by military labour, as compared with work by contract.	1	·8	

QUEBEC FORTIFICATIONS.

RETURN showing the DIFFERENCE in COST of
WORK performed by MILITARY WORKING
PARTIES and by CONTRACT, upon the Works
of FORTIFICATION now in progress at Quebec.

(Mr. Wathin.)

*Ordered, by The House of Commons, to be Printed,
28 May 1866.*

CORRESPONDENCE

RESPECTING THE

NON-ENACTMENT

OF THE

APPROPRIATION ACT IN VICTORIA:

1865.

*Presented to both Houses of Parliament by Command of Her Majesty.
March 1866.*

LONDON:
PRINTED BY HARRISON AND SONS.

SCHEDULE.

DESPATCHES FROM THE GOVERNOR.

No. in Series.	Number and Date.	SUBJECT.	Page
1	21st November, 1864 (No. 110)	Reports the results of the General Election for the Assembly, the changes in the Council in 1863 and 1864, and that Parliament will meet on the 28th November	1
2	25th Jan., 1865 (Confidential)..	Encloses "Summary for Europe." States that the Tariff which has been introduced by the Government into the Assembly is a subject of popular interest. Trusts to be able, by next mail, to send the financial scheme for the year	2
3	23rd Feb., 1865 (Confidential).. (Extract)	Reports that the revised Tariff had passed the Assembly, and that it is considered to be so strongly protective of Colonial manufactures and pursuits as to have given rise to the formation of a Free Trade League	2
4	25th March, 1865 (Confidential) (Extract)	Reports the passing of the Land Act Amendment Bill, and intention of Ministers to embody the new Tariff in the principal Appropriation Act of the Session, with the view of deterring the Council from rejecting it. The policy of the course they have indicated is justified upon the precedent of Mr. Gladstone's proceedings in the Paper Duties Repeal Act.	2
5	25th April, 1865 (Confidential) (Extract)	Announces that the Legislature adjourned on the 7th April and was to meet again on the 5th proximo	3
6	25th July, 1865 (Confidential) .	States that a Bill sent up by the Assembly to the Council, in which the new Tariff is incorporated with the usual Appropriation Bill, comes on for its second reading. Hopes that the rejection of it may be averted by a conference between the two Houses	3
7	27th July, 1865 (Confidential)..	Reports that when the motion for the second reading of the Bill was made, an amendment to the effect that the Bill be laid aside was moved and carried by a majority of 20 to 5. Does not think that the Council will give way, and fears that the two Houses are in a state of antagonism which may lead to much perplexity	3
8	25th Aug., 1865 (Confidential). (Extract)	Has nothing to add with reference to the difficulty which has arisen out of the recent proceedings in the Legislature ..	4
9	25th August, 1865 (No. 113) ..	Submits report upon the present position of affairs, and the rejection by the Council of the Bill for granting supplies and appropriating the same. Considers the difficulty has been brought about by an overstrained exercise of their powers by both Houses, and has expressed his intention to take no step not strictly authorized by law. Encloses Tariff for 1865; Minutes of Legislative Council of the 25th July; Minutes of Legislative Assembly of the 27th of July; Bill imposing Customs duties; Estimates for 1865; Report on Waterworks Bill, and Appendix thereto	4
10	18th September, 1865 (No. 115)	Reports further as to differences between Council and Assembly. Transmits copies of Messages to and Addresses from both Houses of Legislature. Will report in another despatch the steps taken to raise funds for immediate purposes	10

No. in Series.	Number and Date.	SUBJECT.	Page
11	22nd September, 1865 (No. 116)	Reports the steps which have been adopted to meet the pecuniary obligations of the Government. Encloses correspondence with the Banks; extracts from Minutes of Council, with copies of Acts and Correspondence having reference to the case. Five out of the six Banks decline to afford the assistance required, which has been obtained from the London Chartered Bank of Australia	24
12	23rd September, 1865 (No. 117)	Transmits proceedings of Legislative Council and Votes of Assembly, from August 22 to September 21, 1865 ..	32
13	25th Sept. 1865 (Confidential) ..	Encloses copies of the "Age" and "Argus," containing articles on the subject of the differences between the Council and Assembly, with the draft of a petition which was to have been passed at a public meeting, but which did not take place in consequence of its becoming known that the Governor was unable to forward it by the present mail	32
14	20th October, 1865 (No. 127) .	Transmits Address to Her Majesty from the Legislative Council, representing that the Laws of the Colony have in a measure been dispensed with, the Constitution superseded, and Her Majesty's authority disregarded, if not abused. Reply to accusations therein contained, and referring further to the differences between the Council and Assembly. Governor justifies the course he has taken in not accepting the offer of resignation of his Ministry, and states that any attempt to organize a new Ministry would have tended to protract and embitter the contest between the two Houses..	33
15	24th October, 1865 (No. 130)..	Transmits Petitions to the Queen from the chief towns of Victoria, and states that these Petitions have been evoked by the Petition addressed to Her Majesty by the Legislative Council, transmitted in despatch No. 127. Reports upon the same	50
16	24th October, 1865 (No. 131) ..	Transmits Addresses to Governor, and Resolutions in support of the Government, embodying Resolutions passed at Public Meetings in various parts of the Colony. Considers that these documents may be taken as a fair expression of public opinion upon the question to which they relate..	57
17	25th October, 1865 (No. 133) ..	Differences between Council and Assembly. Encloses Petitions to Her Majesty from the Chambers of Commerce of Melbourne and Ballarat, and from a Meeting held at St. George's Hall on 23rd October, praying that steps may be taken for the redress of the grievances from which they are now suffering by a violation of the Constitution of the Colony. The Governor will report fully on the subject by next mail; but offers opinions as to the position of the parties who have signed them and the means taken to obtain signatures ..	58
18	25th October, 1865 (Confidential)	States that by a Resolution of the Council there appears some prospect of a conference between that Body and the Assembly with the view of a settlement of their differences on points of privilege and practice. The course of Government and of business proceeds uninterruptedly, notwithstanding the numerous Public Meetings, and the efforts of the Press to keep alive political agitation	63
19	24th November, 1865 (No. 139)	Transmits Petitions to the Queen relating to the position of affairs in the Legislature, expressing satisfaction with the Governor's proceedings, from— 1. Borough of Echuca. 2. Inhabitants of Campbell's Creek. 3. District of Woodend. 4. Inhabitants of Pyalong. Forwards copy of his reply to the Petition from Echuca ..	63
20	24th November, 1865 (No. 140)	Submits remarks on statements in Petition to the Queen complaining of Governor's proceedings on the occasion of the contest between the Council and Assembly, and states that he is unable to imagine any purely public motive which could have influenced the petitioners in making the representation they have made against him to Her Majesty	65

No. in Series.	Number and Date.	SUBJECT	Page
21	25th November, 1865 (No. 142)	Transmits Addresses and Resolutions passed at public meetings in support of the Government, which have been received since his former despatch No. 130	67
22	25th November, 1865 (No. 143)	Steps taken to secure passing of Appropriation Bill. Failure, and intended dissolution	68
23	25th Nov., 1865 (Confidential)	States that a division was taken on the 24th instant in the Assembly upon a motion "that the present action of the Government in relation to the existing crisis is not calculated to bring the desired state of public affairs to a speedy and satisfactory conclusion." This motion was lost; a majority of 37, in a House of 63, voting against it	76
24	22nd December, 1865 (No. 152)	Transmits Address to Her Majesty the Queen from certain members of the Executive Council, complaining of the measures of the Governor and his Responsible Advisers respecting the Tariff and Appropriation Bills. This Address to the Queen is from persons who have been members of the Executive Council and Cabinet Ministers since the introduction of Responsible Government, charging the Governor with illegal and unconstitutional acts in his dealing with the Tariff and Appropriation Bills, &c. States that though they now complain of his conduct, not one of them attempted to warn, or caution or counsel him in the difficult position in which he was placed, while the conduct of some materially increased his difficulties. Designates the Address as a misrepresentation of his proceedings	77

DESPATCHES FROM THE SECRETARY OF STATE.

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1	26th January, 1865 (No. 11) ..	In reply to Governor's despatch No. 110 of 21st November ..	99
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3	26th April, 1865 (Confidential)		
4	26th June, 1865 (Confidential)..		
5	20th July, 1865 (Confidential)..		
6	25th Sept., 1865 (Confidential)		
7	26th Sept., 1865 (Confidential)	Acknowledging Governor's despatch No. 113 of the 25th August, reporting on the position of affairs in Victoria, and stating the causes which have led to the differences between the Council and Assembly	100
8	26th October, 1865 (No. 96) ..		
9	27th November, 1865 (No. 107)	Acknowledging Governor's despatches Nos. 113, 115, 116, and 117, and expressing such opinions as the Secretary of State has been able to form from the papers before him	101
10	27th Nov., 1865 (Confidential)	Acknowledging Governor's confidential despatches of the 25th August, 25th September, and 25th October, 1863	103, 104
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15	26th January, 1866 (No. 11) ..	The Secretary of State having given his best attention to the Governor's explanations in detail of the course pursued by him, states his views on the different points in the case	104

No. in Series.	Number and Date.	SUBJECT.	Page
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17	26th January, 1866 (No. 13) ..		
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19	26th January, 1866 (No. 15) ..		
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21	26th February, 1866 (No. 25) ..	Expressing fully the views of the Secretary of State, and stating that he had been obliged to advise Her Majesty to relieve the Governor of his duties	108

DESPATCHES FROM THE GOVERNOR.

Correspondence respecting the non-Enactment of the Appropriation Act in Victoria: 1865.

No. 1.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received January 19, 1865.)

(No. 110.)

(Answered, No. 11, January 26, 1865, page 99.)

Sir,

Government House, Victoria, November 21, 1864.

I HAVE the honour to report that the general election for Members of the Assembly terminated on the 5th instant, and that I have, with the advice of my Executive Council, issued a proclamation summoning the Legislature to meet for the despatch of business upon the 28th instant.

2. I may take the occasion to inform you, that out of seventy-eight, the total number of Members of which the Assembly is composed, thirty-nine did not hold seats in the last Assembly; and of these only seven were Members of any former House.

3. During the years 1863 and 1864 the following elections have taken place in the Legislative Council, in consequence of deaths, resignation, acceptance of office, and retirement by rotation, viz.:—

The Honourable J. P. Bear, in lieu of the Honourable J. B. Bennett, resigned.

The Honourable M. Hervey, re-elected.

The Honourable J. D. Pinnock, in lieu of the Honourable J. Stewart, deceased.

The Honourable Robt. Turnbull, in lieu of the Honourable R. Thomson, deceased.

The Honourable W. Taylor, in lieu of the Honourable D. Kennedy, deceased.

The Honourable Chas. Sladen, in lieu of the Honourable C. Vaughan, deceased.

The Honourable N. Fitzgerald, in lieu of the Honourable F. Robertson, retiring by rotation.

The Honourable H. M. Murphy, in lieu of the Honourable J. D. Pinnock, retiring by rotation.

The Honourable John Lowe, in lieu of the Honourable R. C. Hope, retiring by rotation.

The Honourable Henry Miller, re-elected.

The Honourable W. H. Pettett, in lieu of the Honourable H. Power, retiring by rotation.

The Honourable J. P. Fawkner, re-elected.

4. If I may judge by the declarations of opinion which have proceeded from the candidates for election to both Houses, and the results of the elections, I should come to the conclusion that what is designated "protection to native industry," by means of levying import duties upon articles which may possibly be grown or manufactured in the Colony, instead of upon those which must be derived from extra-Colonial sources, together with a decrease of qualification and duration of period of service of the Members of Council, are the points upon which the contests, especially at the more recent elections, have turned; and that the popular opinion has been decidedly in favour of those views.

5. The expediency of reducing the qualification of Members of Council, which no doubt strongly prevails, is founded in the apprehension that the most wealthy of those engaged in pastoral pursuits, of whom, if the present qualification were retained, the Upper Chamber must largely consist, would be found opposed to any legislation with respect to the land which would have the effect of opening the best cultivable soils to small farmers, and promote agricultural settlement generally.

I have, &c.

(Signed)

C. H. DARLING.

No. 2.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received March 15.)

(Confidential.)

(Answered, Confidential, April 19, 1865, page 99.)

Sir, *Government House, Victoria, January 25, 1865.*

IN pursuance of the course which I have for some time past adopted, I beg to inclose a copy of the "Summary for Europe," published as a supplement to the "Argus" newspaper of this date, together with an impression of the paper itself.

2. It will be seen that public anxiety on the subject of transportation having been allayed by the receipt of your despatch No. 84, the Tariff which has been introduced by the Government into the Assembly is, for the present, the subject upon which popular interest is concentrated.

3. Until that measure shall have finally passed the Legislature, where, I have no doubt, it will undergo considerable modification, it would seem undesirable that I should trouble you with any official reference to it. By the next packet I shall, no doubt, be enabled to bring under your notice the financial scheme for the year. In the meantime, I beg to put you in possession of a copy of the Treasurer's Speech, delivered in the Committee of Ways and Means upon the 19th instant, which explains the views upon which the Government Budget is based; and assuring you that there is no point in public affairs to which it seems necessary that I should call your special attention, I have, &c.

(Signed) C. H. DARLING.

No. 3.

Extract of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received April 12.)

(Confidential.)

(Answered, Confidential, April 29, 1865, page 99.)

(Extract.)

Government House, Victoria, February 23, 1865.

* * * * *

THE revised Tariff, which is comprehensive in its scope, and various in the principles by which duties are applied, has passed the Assembly.

It is considered to be so strongly protective of Colonial manufactures and pursuits as to have given rise to the formation of a Free Trade League or Association; and the leading sections of the mercantile community of Melbourne are urgent in their endeavour to induce the Legislative Council to reject it altogether.

No. 4.

Extract of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received May 15, 1865.)

(Confidential.)

(Answered, Confidential, June 26, 1865, page 100.)

(Extract.)

Government House, Victoria, March 25, 1865.

THE events of importance which have occurred in the Legislature since the departure of the last packet are the passage into law of the Land Act Amendment Bill, and an announcement made by the Ministers in the Assembly that it is their present intention to embody the new Tariff which has recently passed that House in the principal Appropriation Act of the session, with a view of deterring the Council from rejecting the Tariff, which there is much reason to believe will meet with but little favour in that branch of the Legislature.

* * * * *

I have had no communication whatever from the Ministry upon the subject of the the tariff; and if they carry out the design they have announced, I have no doubt they will endeavour to frame the Act so as to keep it free from the absolute prohibitions of the Royal Instructions.

The policy of the course they have indicated is justified, generally, upon the precedent of Mr. Gladstone's proceedings in the case of the Paper Duties Repeal Act, and a considerable majority of the Assembly appear determined to support them in that policy which is, in effect, their own.

I take leave to inclose the packet summaries as published in the "Argus" and "Age" newspapers of this date.

The first-mentioned journal has become the steady and bitter opponent of the present Ministers, while the "Age" appears to be their equally firm and undeviating supporter.

No. 5.

Extract of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received July 7, 1865.)

(Confidential.)

(Answered, Confidential, July 20, 1865, page 100.)

(Extract.)

Government House, Victoria, April 25, 1865.

THE Legislature is in recess for the Easter holidays. It adjourned on the 7th instant, and will not meet again until the 5th proximo.

I am not aware of any public event which calls for special notice.

* * * * *

I have the honour to inclose the "Argus" and "Age" newspapers of this date. They both contain monthly summaries of events.

* * * * *

No. 6.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received September 16, 1865.)

(Confidential.)

(Answered, Confidential, September 26, 1865, page 100.)

Sir,

Government House, Melbourne, July 25, 1865.

THE conflict which has been going on between the Council and Assembly during the greater part of the Session will reach its climax to-night, when a Bill sent up by the Assembly in which the new Tariff is incorporated with the usual Appropriation Bill comes on for its second reading in the Council.

2. I am very confident that the Council will not pass these measures in a combined form, but I am in hopes that the public inconvenience which will be occasioned by even the temporary rejection of the Appropriation Bill may yet be averted by a conference between the two Houses.

3. Until I can more accurately perceive the precise form in which the impending difficulty may present itself to me, I need scarcely say, that I can hardly conjecture whether it will call for any and what action on my part independent of my advisers.

4. In the meantime, you will perceive by the accompanying papers of this date, that it is the only subject which occupies any considerable share of public interest at the present moment.

I have, &c.

(Signed) C. H. DARLING.

No. 7.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received September 16, 1865.)

(Confidential.)

(Answered, Confidential, September 25, 1865, page 100.)

Sir,

Government House, Melbourne, July 27, 1865.

THE "Salsette" steamer which ought to have proceeded with the English mails yesterday, has only reached Melbourne from Sydney this day, having become, as I am informed, partly disabled since she left the last named port. I am therefore enabled to put you briefly in possession of the occurrences in the Legislature since I addressed to you my confidential letter of the 25th instant.

2. On the evening of that day the Bill incorporating the Tariff with the appropriation clauses which had been agreed to in the Assembly was brought up for a second reading. Upon that occasion the President delivered from the Chair his opinion upon the nature and character of the measure in relation to the Constitution Act, and his observations will be found recorded at page 226 of the accompanying minute of the Council.

The motion for the second reading was then made, when an amendment to the effect that the Bill be laid aside which is fully detailed also in the same page of the minutes, was moved and carried by a majority of 20 to 5.

3. Last night, Mr. McCulloch, the Chief Secretary, gave notice of his intention to move to-night in the Assembly the resolutions which are stated in the accompanying notice paper. There can be no doubt that these Resolutions will be carried; but I am not inclined to think that the Council will give way under such a deliberate threat, and I am afraid that the two Houses are now in a state of antagonism of which it is very difficult to foresee the result; and which will probably lead to much perplexity and embarrassment.

I have, &c.
(Signed) C. H. DARLING.

No. 8.

Extract of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell.—(Received October 19, 1865.)

(Confidential.)

(Answered, Confidential, December 16, 1865, page 103.)

(Extract.)

Government House, Victoria, August 25, 1865.

HAVING in a public despatch placed you in possession of the circumstances attending the difficulty which has arisen out of the recent proceedings in the Legislature, I have nothing to add upon that subject in now transmitting, according to my usual custom, copies of the "Argus" and "Age" newspapers, with their summaries of intelligence for Europe by the outgoing packet.

There is no other subject of interest at present occupying public attention.

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No. 9.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received October 16.)

(No. 113.)

(Answered, No. 96, October 26, 1865, page 100.)

Sir,

Government House, Melbourne, August 25, 1865.

ALTHOUGH the position of affairs in the Legislature of the Colony, to which I briefly referred in the confidential despatches I had the honour to address to you upon the 25th and 27th* of last month, has not yet necessitated any action on my part as the Representative of the Crown, it seems proper that I should place you in possession of the circumstances which have led to that position, and to the consequent suspension of payments from the public treasury on account of all services but those which are provided for by special appropriations under law. In deciding upon the financial arrangements for the year, it was determined by my Advisers, in deference I believe to the well-ascertained wishes of a majority of the Legislative Assembly, to revise the Tariff of Customs duties; the main principles of that revision, as stated by the Treasurer, a copy of whose Budget speech in the Assembly I transmitted with my confidential letter of the 25th of January last, being a reduction of the import duties on tea and sugar,—the former from 6d. to 3d. a pound, and the latter from 6s. to 3s. a hundredweight; and of the export duty on gold from 1s. 6d. to 1s. per ounce troy; and a replacement of the deficiency thus occasioned by a duty upon the numerous manufactured articles of all kinds imported for consumption in the colony which had hitherto escaped taxation.

2. The Treasurer thus alluded to the intended result of these changes:—"The result, therefore, is practically this—that whereas certain duties are reduced, and whereas certain items of revenue are appropriated, or proposed to be appropriated to other purposes, there is really no addition but merely the replacement of those sources of revenue which are to be struck out by the amount of 236,900*l.*" And after quoting passages from the writings of the late Mr. McCulloch, and a speech of the late Sir George Cornwall Lewis in reference to these passages, as supporting the principle that by making taxes numerous, a considerable step is taken towards ensuring equality in the burden falling upon the people, he observed: "Although perhaps I do not, and my colleagues do not, go to the full length that these authorities would take us, still we are bound to justify what we now propose, the

imposition of duties on a greater number of imported articles than have hitherto been taxed in Victoria. I believe that the necessity exists for these changes; I will not say for these additions, because there are no additions. Seeing that the necessity exists for these changes, I know not by what means the money could be raised without increasing the number of articles to be taxed. I am sure that the Government—and I trust that I may say without impropriety that there are members of the Government who have large experience of commercial affairs—I am sure I may say that the Government have devoted all their energies to the task, and endeavoured to the best of their ability to produce a scheme which shall in the least possible degree be open to the objections raised against all taxation, and shall in the greatest possible degree conduce to the advantage of all classes of the community.”

3. The Tariff passed the Assembly in the form exhibited by the inclosed Return, to which a column is added, showing the alterations which it effected in the scale of duties and exemptions previously in force.

4. Although the Tariff, as it will be seen, selects no specific articles as objects of a high rate of duty, upon the ground that the same articles might probably with such indirect favour and encouragement be manufactured with profit in the Colony, but deals with imports generally according to the usual classification of them, while the rates themselves are below those adopted in some other colonies for purposes of revenue only, yet it was accepted by a section of the Assembly as a measure of protection, although to a limited degree; and the same view was so strongly adopted by a large portion of the mercantile body, supported by not a few of the more prominent party and political leaders, as to induce the formation of the Free Trade League, to which I adverted in my confidential letter of the 23rd of February last.* Similar associations in support of the Protective principle were already in existence, and the opposing parties being thus organized, meetings were held and lectures delivered in several places, both in town and country, in support of the two antagonistic principles of financial legislation which the question of the Tariff was supposed to involve.

5. It soon became an article of belief with the majority of the Assembly, but based, as I understand, to a very great extent upon information derived from personal sources, that the Legislative Council would exercise the power conferred upon it by the fifty-sixth clause of the Constitution Act, and reject the Tariff.

The Ministers, pressed to declare what course they were prepared to take to avert this result, avowed their intention to support what they maintained to be the constitutional right of the Assembly practically to control the taxation of the country (and I may here observe that the import and export duties constitute almost the whole of the revenue raised by taxes, imports, and duties), by combining the Tariff with the Clauses of Appropriation, which have hitherto constituted in Victoria a separate Bill; and, by sending it in this shape to the Council, thus indirectly exercise a strong pressure upon that body to induce it to forego its supposed intention.

6. The proceedings of the Council, which body appointed a Committee to search for precedents in the practice of the Imperial Parliament, and whose report was adverse to the course proposed by the Assembly, foreshadowed their determination to resist that course; and, accordingly, when the Bill was finally sent up for their consideration, after having been received and read a first time, it was dealt with in the manner described in my confidential letter above referred to, by adopting a Resolution, that “the Bill be laid aside.” This Resolution is stated at length in the accompanying Minute of the Proceedings of the Council, in which will also be found the ruling of the President of the Council as to the points in which the measure conflicted in his opinion with the thirty-fourth clause of the Constitution Act.

7. The adoption of this Resolution by the Council was immediately followed by the passage on the part of the Assembly of the Resolutions which will be found in the accompanying Extract of their Votes and Proceedings of the 27th ultimo.

8. The practical result of this unfortunate conflict has been, that the usual appropriation Bill for the year is now “laid aside” in the Legislative Council, while the Assembly has declared its determination not to entertain any further or other Bill for the appropriation of supplies for the service of the year 1865 until the Council shall adopt the Tariff which has been united with the Appropriation Bill.

9. I beg to inclose a copy of the Bill† sent up to the Council, by which you will perceive the nature and extent of the several Services the means for meeting which, although overflowing in the Treasury, cannot be applied for that purpose, because the necessary Act appropriating these means is in abeyance.

10. The inclosure No. 5† will, on the other hand, show the Services which being

* Page 2.

† Not printed.

provided for by special appropriations, and amounting to upwards of 1,000,000*l.* per annum, are not affected by the lock which has taken place in the proceedings of the Legislature.

11. Since the date when these resolutions were passed, Committees of both Houses have been engaged in a conference proposed by the Legislative Council, upon points arising out of amendments made by that body to a Bill for providing supplies of water in certain localities; the most important of which appears to be the question whether the Legislative Council possess the right of altering a rate incidentally imposed by a Bill relating to a subject upon which, in other respects, the Council and Assembly might exercise co-ordinate powers.

12. I beg leave to inclose copies of the reports* presented to the Council and Assembly by their respective Committees. It will be perceived that, in the report of the Assembly's Committee, the general question of the control which that body claims over the taxation of the country is temperately argued; and I have no doubt that it enunciates the principles to which the Assembly and its constituencies will adhere.

13. The Council having received the report of its Committee, abandoned most of the amendments originally proposed, and adjourned until the 29th instant.

14. In the Assembly a motion has been made, "That an Address be presented to His Excellency the Governor, with a copy of such notice, praying that his Excellency, as the representative of Her Most Gracious Majesty, may be pleased in the exercise of his own judgment to adopt such measures as will protect the Civil Service of this Colony from the cruel and unjustifiable punishment they now endure from the uncalled for and indefinite delay in the payment of their salaries." This notice was negatived without a division, and notice given of another motion in the following terms, viz.: "That an Address be presented to his Excellency the Governor respectfully representing that, in consequence of the laying aside by the Legislative Council, without message or communication to the Legislative Assembly, of the Bill of Supply and Appropriation passed by this House, the salaries of the civil servants for the month of July have not yet been paid, and other public obligations are undischarged; and praying his Excellency that such measures may be adopted as shall, in the opinion of his responsible advisers, be expedient or necessary for satisfying the liabilities aforesaid, and for maintaining the efficiency of the public service."

14. This motion was carried last night by a majority of forty to sixteen. With reference to the object it has in view, I can only at present state, that I have already apprised my Advisers that I will adopt no step which is not strictly authorised by law. The difficulty has been brought about by an over-strained exercise of their powers on the part of both the deliberative Chambers, which appears to me to be at variance with the true spirit of a constitution based and modelled, in its main features, upon that of the mother country. Concession on either side adopted in that spirit will immediately remove the difficulty and restore the course of legislation to its accustomed channel.

15. On the other hand, I need not, I hope, assure you that I shall rejoice to be afforded an opportunity of mediating either officially or personally between the contending parties; but I am sure, Sir, you will admit that, having regard to the form and practice of this Government, any attempt of the kind involves considerations of much delicacy, and would require to be conducted with the utmost caution.

I have, &c.

(Signed) C. H. DARLING.

Inclosure 1 in No. 9.

TARIFF of Victoria, 1865.

		Duty formerly levied.
Spirits or strong waters, of any strength, not exceeding the strength of proof, by Sykes's hydrometer, and so in proportion for any greater or less strength than the strength of proof ..	10 <i>s.</i> per gallon ..	10 <i>s.</i> per gallon.
Spirits, cordials, liquors, or strong waters, sweetened or mixed with any article, so that the degree of strength cannot be ascertained by Sykes's hydrometer	10 <i>s.</i> per gallon ..	10 <i>s.</i> per gallon.
Spirits, perfumed	10 <i>s.</i> per gallon ..	10 <i>s.</i> per gallon.
Wine, per gallon, in wood	3 <i>s.</i> ..	3 <i>s.</i> per gallon.
" or for six reputed quart bottles	3 <i>s.</i> ..	3 <i>s.</i> per gallon.
" or for twelve reputed pint bottles	3 <i>s.</i> ..	3 <i>s.</i> per gallon.

* Not printed.

		Duty formerly levied.
Ale, porter, spruce and other beer, cider and perry, per gallon, in wood	6d.	6d. per gallon.
„ or for six reputed quart bottles		
„ or for twelve reputed pint bottles		
Tobacco, manufactured	2s. per lb. ..	2s. per lb.
„ unmanufactured	1s. per lb. ..	1s. per lb.
„ sheepwash	3d. per lb. ..	3d. per lb.
Snuff	2s. per lb. ..	2s. per lb.
Cigars	5s. per lb. ..	5s. per lb.
Tea	3d. per lb. ..	6d. per lb.
Sugar and molasses	3s. per cwt. ..	6s. per cwt.
Coffee and chicory		
Cocoa and chocolate (formerly free)	2d. per lb. ..	2d. per lb.
Opium	10s. per lb. ..	10s. per lb.
Refined opium		20s. per lb.
Rice	2s. per cwt. ..	2s. per cwt.
Dried and preserved fruits and vegetables, nuts of all kinds (not including cocoa nuts), butter, cheese, candles, bacon, lard, hams, starch, soap, confectionery, biscuits, comfits, sweet- meats, succades, jams, macaroni, vermicelli, maizena, pre- served meats and fish	1d. per lb. or package of that reputed weight.	Dried fruits, 10s. per cwt. Other items free.
Hops	2d. per lb. ..	2d. per lb.
Malt	6d. per bushel ..	6d. per bushel.
Salt	20s. per ton ..	
Vinegar	6d. per gallon ..	Formerly free.
Varnish	2s. per gallon ..	
Salted provisions, including fish not otherwise enumerated	5s. per cwt. ..	
Doors	1s. each ..	
Window-sashes	1s. per pair ..	
Plate, of gold	8s. per oz. troy ..	
Plate, of silver	1s. per oz. troy ..	
Barley	3d. per bushel ..	
Oats	Ditto	
Millinery and all articles made up from fabrics of silk, or of silk mixed with other material	5s. per cubic foot, measuring outside the package, or for any package less than one cubic foot	Free.
Apparel and slops, and all articles made up wholly or in part from fabrics of wool, cotton, linen, or mixed materials (except bags); boots or shoes, hosiery and gloves, hats, caps, and bonnets untrimmed, saddles, harness, and leatherware	4s. per do. do.	
Watches, jewels and jewellery of all kinds, manufactures of silk or of mixed materials of which the greater part is silk, musical instruments, carriages, glass and glassware, china- ware and porcelain, furniture, toys and turnery, woodenware, brushware and wickerware, earthenware, oilmen's stores not otherwise enumerated, woollen blankets and rugs	10 per cent. <i>ad valorem</i> .	
<i>Table of Exemptions.</i>		
All goods, wares, and merchandise imported for the supply of Her Majesty's land or sea forces, or for the use of Her Majesty's Government; also all goods, wares, and merchandise not included in the foregoing list, gold or silver coin, passengers' baggage, cabin and other furniture or effects which have been in use and not been imported for sale, carriages used in the conveyance of goods or passengers across the frontier, packages in which goods are ordinarily imported, and all minor articles used in the making up of apparel of mixed or undescribed materials.		
<i>Export Duty.</i>		
Gold	1s. per ounce troy.	1s. 6d. per ounce

Inclosure 2 in No. 9.

*Extract from the Minutes of Proceedings of the Legislative Council of Tuesday,
July 25, 1865.*

Customs Import Duties, Gold Export Duty Act Amendment, Appropriation, Bill.—The order of the day for the second reading of this Bill being read, the President called the attention of the Council to the 34th clause of the Constitution Act, which makes “the rules, forms, and usages of the Imperial Parliament” binding on this Legislature in the absence of any joint standing orders to the contrary.

The present Bill embraces three separate matters:—1. An imposition of Customs

Duties; 2. An alteration of the Gold Duty; and 3. The Appropriation of the Supplies for 1865.

He considered that such a conjunction of different matters in the same Bill was in violation of Parliamentary usage, of certain Resolutions passed by this House on the 16th of May last, and also of the 34th section of the Constitution Act.

He also pointed out that, if such an irregular proceeding were permitted to mature into a settled usage, the veto of this House on this whole class of Bills would be abolished, although the power of rejection of such Bills was conveyed in language as clear and unambiguous as the language which conveyed to the Assembly the power of originating Bills of Taxation and Supply.

The Honourable W. Highett in his place asked the President to rule "Whether it is competent for this House to separate the Bill so as to pass the Appropriation Bill, and otherwise deal with the Tariff?"

The President ruled, that as the Council was precluded by the Constitution Act from altering any Money Bill, it was not competent for the Council to deal with one part of the Bill separately, which would be to amend or alter the original form of the Bill.

The Honourable G. W. Cole moved, that the Bill, intitled "An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties and for applying a sum out of the Consolidated Revenue of Victoria to the service of the year One thousand eight hundred and sixty-five, and for appropriating the Supplies granted in this Session of Parliament, and for other purposes," be now read a second time.

Debate ensued.

Amendment moved by the Honourable T. H. Fellows, that all the words after the word "That" be omitted, with a view to insert the following words instead thereof, "As by the 34th section of the Constitution Act, the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by both the said Council and Assembly; and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause of appropriation should be introduced into a Bill of Supply; and as this Bill of Supply contains a clause appropriating the supplies granted during the present session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the waste lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside."

Question—That the words proposed to be omitted stand part of the question—put.
Council divided.

Contents, 5.

The Hon. G. W. Cole.
C. J. Jenner.
J. McCrae.
J. Lowe.
W. H. Pettett (*Teller*.)

Not contents, 20.

The Hon. T. H. Fellows.
C. Sladen.
W. H. F. Mitchell.
N. Fitzgerald.
B. Williams.
W. Campbell.
W. Taylor.
N. Black.
S. G. Henty.
W. Degraives.
H. M. Murphy.
W. J. T. Clarke.
J. P. Fawcner.
W. Highett.
W. Hull.
J. P. Bear.
H. Miller.
A. Fraser.
J. F. Strachan.
D. E. Wilkie (*Teller*.)

The question was therefore negatived.

Question—That the words proposed to be inserted be so inserted—put and passed.

Question—That, as by the 34th section of the Constitution Act the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by both the said Council and Assembly; and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause of appropriation should be introduced into a Bill of

Supply ; and as this Bill of Supply contains a clause appropriating the Supplies granted during the present Session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the waste lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside—put and passed.

Inclosure 3 in No. 9.

Extract from the Votes and Proceedings of the Legislative Assembly, No. 110, of Thursday, July 27, 1865.

Privilege.—Mr. McCulloch moved, pursuant to notice—

(1.) That the right of granting aids and supplies to the Crown is in the Legislative Assembly alone.

(2.) That the power conferred by the Constitution Act on the Legislative Council to reject Bills for appropriating the revenue, and Bills for imposing any duty, rate, tax, rent, return, or impost, is justly regarded by this House with peculiar jealousy, as affecting the right of the Legislative Assembly to grant and appropriate supplies, and to provide the ways and means for the service of the year.

(3.) That to guard against an undue exercise of that power by the Legislative Council, and to secure to the Legislative Assembly its rightful control over taxation and supply, this House has in its own hands the power so to impose and remit taxes, and to frame Bills of supply, that the right of the Legislative Assembly as to the matter, manner, measure, and time, may be maintained inviolate.

(4.) That this House has learned with regret that a Bill passed by the Legislative Assembly for the Supply and Appropriation of Revenue, which was framed in accordance with the rules, forms, and usages of the Imperial Parliament, and with the view of securing to the Legislative Assembly its rightful control over taxation and supply, has been laid aside by the Legislative Council, and that the Legislative Council has refused to consider the subject-matters of such Bill until the same shall be comprised in separate measures ; that such refusal evinces a disregard of the rights and privileges of the Legislative Assembly ; and that this House hereby declares its determination not to entertain any further or other Bill for the appropriation of supplies for the service of the year 1865 until the rightful control of this House over taxation and supply shall have been acknowledged by the adoption by the Legislative Council of the Tariff approved of by this House, and contained in a schedule to the said first-mentioned Bill.

It having been required that the proposed resolutions be put separately—

Question—That the right of granting aids and supplies to the Crown is in the Legislative Assembly alone—put and resolved in the affirmative.

Question—That the power conferred by the Constitution Act on the Legislative Council to reject Bills for appropriating the revenue, and Bills for imposing any duty, rate, tax, rent, return, or impost, is justly regarded by this House with peculiar jealousy, as affecting the right of the Legislative Assembly to grant and appropriate supplies, and to provide the ways and means for the service of the year—proposed.

Debate ensued.

Question—put and resolved in the affirmative.

Question—That to guard against the undue exercise of that power by the Legislative Council, and to secure to the Legislative Assembly its rightful control over taxation and supply, this House has in its own hands the power so to impose and remit taxes, and to frame Bills of supply, that the right of the Legislative Assembly as to the matter, manner, measure, and time, may be maintained inviolate—put and resolved in the affirmative.

Question—That this House has learned with regret that a Bill passed by the Legislative Assembly for the Supply and Appropriation of Revenue, which was framed in accordance with the rules, forms, and usages of the Imperial Parliament, and with the view of securing to the Legislative Assembly its rightful control over taxation and supply, has been laid aside by the Legislative Council, and that the Legislative Council has refused to consider the subject-matters of such Bill until the same shall be comprised in separate measures ; that such refusal evinces a disregard of the rights and privileges of the Legislative Assembly ; and that this House hereby declares its determination not to entertain any further or other Bill for the appropriation of supplies for the service of the year 1865 until

the rightful control of this House over taxation and supply shall have been acknowledged by the adoption by the Legislative Council of the Tariff approved of by this House, and contained in a schedule to the said first-mentioned Bill—put and resolved in the affirmative.

6. *Postponement of Order of the Day.*—The Assembly ordered that the consideration of the following Order of the Day be postponed until Tuesday, 1st August next:—

“Customs Duties Laws Amendment Bill”—to be further considered in Committee.

7. *Adjournment.*—Mr. McCulloch moved, by leave of the Assembly, That the House at its rising this day adjourn until Tuesday, 1st August next.

Question—put and resolved in the affirmative.

Assembly adjourned at twenty-four minutes past five o'clock until four o'clock on Tuesday next.

(Signed) FRANS. MURPHY, *Speaker.*

No. 10.

Copy of a despatch from Governor Sir C. H. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received November 11.)

(No. 115.)

(Answered No. 107, November 27, 1865, page 101.)

Sir,

Government House, Melbourne, September 18, 1865.

WITH reference to my despatch No. 113* of the 25th August I have now the honour to transmit a transcript of the Address which I received from the Legislative Assembly founded upon the Resolutions cited in the 14th paragraph of that despatch.

2. The language of this Address appeared to me to indicate a desire on the part of the Assembly that in the emergency which had arisen I should implicitly adopt any measures which my advisers might recommend; and although the Treasurer had during the debate upon the Address expressed on the part of the Ministers a belief that the views of the Assembly might be met without any violation of law, I deemed it desirable, nevertheless, to remind the Assembly of the difficulty which certain clauses of the Constitution Act and Audit Act taken conjointly interposed to the issue of the public money by the authority of the Governor alone. I beg to inclose a copy of the Message in which I expressed this view.

3. The presentation of the Assembly's Address seemed to present an opportunity of suggesting to both Houses, without any actual breach of the privileges of either, that their differences might perhaps be settled by a Conference, a course which had already proved effectual in the case of the Water Works Bill, to which I have referred in my despatch No. 113, paragraphs 11, 12, and 13.

4. Accordingly I expressed to the Assembly, as will be seen on reference to the 4th paragraph of my Message, my hope that some step of this nature tending to the renewal of intercourse between the Council and Assembly might be adopted, and I sent at the same time a Message to the Council, of which a copy is transmitted (Inclosure No. 3).

5. The Council immediately replied to my Message by an Address (Inclosure No. 4), and adjourned for six days to the usual day of meeting in the following week. It will be seen that in this Address the Council fastened upon that passage of my Message to the Assembly wherein I had pointed out the difficulty which in the existing state of the law attended the issue of money from the “public account” (that is, from the coffers of the banks in which it is deposited) as a formal announcement of a course which I had determined to adopt; and that they added the expression of an assurance they professed to entertain, which, knowing as I now do the purpose the Council had in view, can only be regarded as in effect a caution at once gratuitous and minatory against concurrence on my part in any arrangement by which the civil servants and the public creditor should be relieved from the distress and difficulty which the disagreement of the two Houses had occasioned, until a separate Appropriation Bill should be sent up from the Assembly and be concurred in by the Council.

6. The Council then proceed in their Address to inform me, upon the authority

of a despatch addressed to the Governor of Jamaica in the year 1849, that I could not have given the Royal assent to the Bill they had laid aside because it both appropriated supplies and imposed duties of Customs, and after stating their own view of the case as between the Assembly and themselves, they request that their Address may be transmitted to Her Majesty's Secretary of State for the Colonies for his information.

7. It appeared to me that this communication of the Council, if left unanswered, would not only have the effect of placing me in more points than one in a wrong position both with the Assembly and the public, but was manifestly intended by the Council to strengthen the position they had taken up by suggesting that in laying aside the Appropriation and Supply Bill they had in effect relieved the Governor from the disagreeable necessity of refusing to give to it the Royal assent.

8. I therefore sent a further Message to the Council when they reassembled upon the 5th instant, a copy of which is transmitted (Inclosure No. 5). The day after the receipt of this Message the Council adjourned for thirteen days.

9. In communicating with the Council upon this occasion I confined myself to a correction of their erroneous statements in regard to my own position and proceedings, and to the expression both of my regret that in such a contest as that which had arisen between the two Houses I could not effectually interpose, and of my hope that that contest would be brought to an early termination.

10. It is now my duty, however, in transmitting to you the Address of the Council, as requested by that body, to offer a few additional remarks. If the Council had, in that Address, been contented with stating that it had been the "ordinary usage" during the existence of Parliamentary Government in this Colony to send up the annual Appropriation Bill at the end of the session, without clauses of supply attached thereto, that statement would have been strictly correct; and the onus of justifying the unusual course pursued in the present instance would have remained with the Assembly.

11. But the Council have thought it desirable to go much further. By their reference to the Jamaica despatch, and the alleged practice of the Imperial and Local Parliaments, they evidently mean to maintain that any Bill in which revenue is raised and revenue is also appropriated could not receive the Royal assent; and they affirm that the invariable practice in this Colony has been to keep Revenue and Appropriation Bills separated from each other. By the resolution cited in their Address, they, moreover, declare explicitly that it is contrary to the usage of Parliament that any clause of appropriation should be introduced into a Bill of Supply, and that, therefore, they would not entertain the Bill sent up to them by the Assembly, and laid it aside accordingly.

12. With respect to the Jamaica despatch dated the 16th April, 1849, although it is quite true that the instruction it contains is general in its terms, and not limited to the particular case which had occasioned it, yet the Council have omitted to notice, or forgotten to remark, that this instruction was qualified by the condition that the practice of keeping Revenue and Appropriation Bills separate from each other had become "as fully established in Jamaica as it has been in England and in other Colonies whose Constitutions have been modelled on our own." Earl Grey thus describes (Earl Grey's Colonial Policy, vol i, p. 186) the circumstances under which this instruction had been given:—"In Jamaica, on the contrary, by far the larger part of the revenue is derived from taxes, the levying of which is authorized by Acts, of which the duration does not, in general, exceed a year.

13. "Taking advantage of this circumstance, the Assembly endeavoured to overrule the other branches of the Legislature; and though the Council and Governor had not concurred in altering or repealing the laws regularly passed by the whole Legislature for granting certain salaries, it attempted to defeat the operation of these laws by declining to provide any funds from which the payments sanctioned by them could be made.

14. "With this view the Assembly, in passing Bills for the renewal of two of the principal sources of the Colonial income—the duties on imports and on rum—inserted clauses specially appropriating the proceeds of those taxes to particular objects, amongst which the payment of the salaries they insisted on reducing was not included. Notwithstanding the manifest objections to the course thus taken by the Assembly, the Import Duties Bill was passed by the Council, and assented to by the Governor; that for imposing duties on rum was rejected."

15. From this it will be seen that the two Bills are, as to their respective objects, extremely dissimilar.

16. The Jamaica measure, for the purpose of controlling the Crown, added appropriation clauses to a Supply Bill, without which the public service would have been seriously embarrassed. The Victorian measure seeks, by uniting with appropriation, a supply which it is perfectly immaterial to the Crown whether it obtains or not (since it is only an equal substitute for, or possibly an augmentation of, a supply already provided by law), to constrain the Council to the adoption of the means by which the Assembly desire the substituted supply should be provided.

17. Such being the object of the Victorian Bill, I perceive no special ground on which the Royal assent should be withheld from it; nor do I consider that it comes within the prohibitions or injunctions of the Royal Instructions. The matters it provides for are not, as I think, in theory, and certainly are not in practice, "matters" so "different" as to require, under the 10th clause of the Royal Instructions, to "be provided for by a different law," or matters having "no proper relation to each other;" and as, under the 29th clause of the Audit Act, No. 86, the moneys which are not paid under the Appropriation Act during the year lapse, and cannot be issued in any future year, except in the case of contracts and engagements already made, in which case the moneys may be paid in the following year only; the Appropriation Act has, in effect, a duration of not more than two years, and is therefore a "temporary law," in which position the proposed tariff also stands in the Bill, its duration being limited to four years. I advert to this latter point, because I have observed that it has been mooted in the debates in the Legislative Council.

18. My own experience in the duties of administration does not teach me that a Bill combining supply and appropriation must necessarily be dealt with by the Representative of the Crown in the manner indicated by the Legislative Council; and it is needless to advert to the impolicy and injurious consequences of such a course in this instance, if I could have been persuaded to adopt it.

19. But even the few precedents already established in this Colony not only tend in the opposite direction, but seem indeed to prove the inaccuracy of the assertion of the Council that it has been the invariable practice to keep revenue and appropriation separate, and not to introduce a clause of appropriation into a Bill of Supply.

20. I have referred to the Statute Book for the years 1862, 1863, and 1864. During that period the following laws under which revenue is raised have been enacted, namely:—1862. No. 144. Customs Laws Amendment; No. 145. Crown Land Sale and Occupation; No. 147. Distillation; No. 155. Opium Duties. 1864. No. 209. Wharfage and Harbour Rates; No. 227. Wine, Beer, and Spirits Statute. Nos. 144 and 155 are in amendment of and supplementary to the Customs Duties Law—they contain no clauses of appropriation.

21. No. 147 raises revenue by means of licenses in distillation, it contains no appropriation clause. No. 209 substitutes wharfage rates for tonnage duties formerly levied, and contains no clause of appropriation.

22. The Act No. 227 is a Consolidation and Amendment Act. The revenue raised under it is by licence fees and penalties, and is estimated at 20,000*l*. Its final section is a clear appropriation clause, and provides that part of the revenue collected shall be paid to the town clerks, or treasurers of cities, shires, and boroughs, and a part into the consolidated revenue.

23. The Acts which remain to be noticed, No. 145, the Land Act, and No. 226, the Post Office Act, are important revenue measures. The annual estimates are classified under nine heads—two of these are denominated "Territorial" and "Postage" respectively. The territorial revenue to the amount of upwards of 800,000*l*. is raised under the Land Act, and the 38th clause distinctly and specially appropriates one-fourth of the net money received from the sale or the leasing of land, or from licences for the use thereof, to purposes of immigration.

24. The Postage Revenue is estimated at 130,000*l*., and the Act by which it is raised, No. 226, contains three clear appropriation clauses: namely, the 35th, which appropriates a sum for the mail service generally; the 46th, which makes a special appropriation for gratuities to masters of vessels; and the 77th clause, which provides that the amount derived from certain fees and dues shall be carried to the consolidated revenue.

25. There are other cases in which incidental revenue is appropriated in the Act under which it is raised, but these instances of the combination of revenue and appropriation clauses under important Revenue Bills appear sufficient, I think, to constitute precedents and usages of the Legislature of Victoria.

26. The Council, however, rely upon the "forms and usage" of the Imperial Parliament as forbidding such a combination; while the Legislative Assembly, on the other hand, assert that precedents for the course they have pursued are to be found in the more ancient as well as the more modern records of the British Legislature.

27. I beg to transmit the Report* of the Select Committee of the Legislative Council upon the precedents afforded by the journals of the Houses of Lords and Commons, and I may at once dispose of the question as to the constitutional right which the Assembly assert to take the course they adopted in this instance, by stating that it is mainly founded (as I am advised) upon the case of the Paper Duties Repeal Bill in 1860, as recorded in May's Parliamentary Practice, edition of 1863, pages 543 and 544. After stating the origin of the case and observing that the House of Commons had resolved "to maintain its privileges not by vain remonstrance, but by an assertion of its paramount authority in the imposition and repeal of taxes, at once dignified and practical," Mr. May gives at length the Resolution adopted by the House of Commons which forms the basis of the similar Resolution of the Assembly of Victoria, and thus sums up the result of the proceedings, which are the more relied on here because they were initiated and carried through Parliament by the Ministers of the Crown, viz. "The significance of these resolutions was illustrated in the next Session, when the Commons, without exceeding their own powers, were able to repel the recent encroachment of the Lords, and to vindicate their own financial ascendancy. They again resolved that the Paper Duties should be repealed, but instead of seeking the concurrence of the Lords to a separate Bill for that purpose, they included the repeal of those duties in a general financial measure for granting the Property Tax, the Tea and Sugar Duties, and other ways and means for the service of the year, which the Lords were constrained to accept. The financial scheme was presented for acceptance or rejection as a whole; and in that form the privileges of the Commons were secure."

28. There are, however, certain points in which the cases differ, and to which it is proper I should call your attention. In the paper duties case, the Lords had absolutely refused to adopt the fiscal policy decided on by the Commons. In the matter of the Tariff and Appropriation Bill of Victoria, no rejection of the Tariff had actually taken place. It was only regarded as certain that such would be its fate; but I am aware that it is maintained that on this account the course adopted in Victoria was less avowedly one of constraint than that which was taken by the House of Commons; and as the Council have (as already shown) accepted several measures combining appropriation and supply when they did not object to the proposed mode of raising the supply, it seems probable that in this case it was their intention to reject the Tariff as apprehended by the Assembly.

29. It is true also that the combination of appropriation and supply is not identical with the combination of several measures of supply only; but the principle on which the pressure is applied appears to be of the same nature and degree in both cases, and the conjunction of several distinct measures of supply would be, I believe, altogether without precedent in this Colony.

30. There is yet a third point involved in the controversy, which materially distinguishes it from the paper duties case. I allude to the claim of the Council to deal with the export duty on gold, as if it were not a tax or impost over which the Assembly had a right to exercise the special power conferred upon them by the 56th clause of the Constitution Act.

31. The Council allege that the Bill sent up from the Assembly regulates the "disposal of minerals in the waste lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly)."

32. I understand the claim of the Council in this instance to be founded upon the 54th clause of the Constitution Act, which is in these words: "Subject to the provisions herein contained, it shall be lawful for the Legislature of Victoria to make laws for regulating the sale, letting, disposal, and occupation of the waste lands of the Crown within the said Colony, and of all mines and minerals therein;" and that it is further maintained that the export duty is, in effect, a "royalty."

33. Upon the other side of the question, there are the facts that the duty is now, and always has been, levied under laws which describe it as a "duty of Customs," and that the 44th clause of the Constitution Act expressly declares that "royalties" are included with the taxes, imposts, duties, &c., which shall form one

* Not printed.

consolidated revenue to be appropriated for the public service of the Colony; while the 56th clause declares that Bills for imposing any duty, rate, tax, return, or impost must originate in the Assembly, and may be rejected, but not altered, by the Council. When this claim on the part of the Council was re-affirmed in their Address to me, I saw clearly that it was impossible for the Assembly to make any advance towards an accommodation of the existing disagreement.

34. When I put you in possession of an opinion given by the barrister who was Attorney-General of the Colony in the year 1860, which affirms that the Bills contemplated by the 56th clause of the Constitution Act must be Bills which "both appropriate a part of the revenue and impose a duty or rate," and add the observation that if this opinion were accepted (which it certainly is not by me), the Assembly would have no means of preserving their privilege in regard to money Bills; but by adopting the course now objected to by the Council, namely, that of combining the raising and appropriation of revenue in one Bill, I shall have brought before you all the documents and circumstances which occur to me as necessary to enable you to form a judgment upon the appeal which the Legislative Council have made to your opinion.

35. I regard the express request of the Council that their Address may be transmitted to you as constituting such an appeal, because that Body must be aware that the document in question would be communicated in due course, with my usual and regular Reports of the Proceedings of the Government and Legislature.

36. Adverting to the observations contained in my despatch of the 25th of August, No. 113,* upon the tendency of the new Tariff to establish the principle of protection, it is necessary to bear in mind the fact that under the old Tariff there was already a protective duty of from at least 25 to 30 per cent. in favour of wine manufactured in the Colony, and of from 15 to 75 per cent. in favour of Colony grown tobacco.

37. There is no provision of the new Tariff which is so highly protective as these duties are; but it touches for the first time a large and wealthy class of importers who deal in the merchandize described in the three last items of the Tariff, and who, moreover, have heretofore used the port of Melbourne as an entrepôt for a lucrative trade with the other Australasian Colonies.

38. This trade, they affirm, will be diminished in value, and attended in some of its branches at least with increased trouble and expense from the necessity of bonding goods and exhibiting them in bond to commercial travellers or agents from the other Colonies; and there is, in my mind, no doubt that to prevent the imposition of duties on these last mentioned articles is really the object for which the political contest is at present carried on, under the banner of what is here called "free trade."

39. On the general question my own opinion is, that if it were possible to dispense with the revenue raised by Customs duties there is no port in the world, looking to its relative position to the other Australasian Colonies and to its means of communication with the interior of the Continent, where the principle of perfectly unfettered commerce could be more advantageously established. Nor am I at all a believer in the efficacy of protective duties as the best mode of nurturing trades and occupations which would not otherwise be entered upon; but the expediency of affording some encouragement to Colonial industry, as it is termed, is a question which has long been agitated with special reference to the employment and training of a large portion of the youth of the Colony, who are not likely to betake themselves to pastoral or agricultural pursuits, was prominently brought forward at some of the contested elections last year, and is strongly entertained in the present Legislative Assembly.

40. I may safely assure you, however, that it is not the object of the public men who advocate this policy, judging at least from the language employed on occasions when their views are developed and explained, to promote the enactment of laws which, in the terms of your despatch No. 11† of the 26th January last (which has been duly communicated to my advisers), "would have for their object to induce the colonists to desert more profitable for less profitable branches of industry."

41. I have already stated in my previous despatch that I consider both Houses to have overstrained their powers in defence or vindication of their privileges. The mode adopted by the Assembly of putting a pressure upon the Council was,

I think, dangerous, as involving the possibility of a course so fraught with public confusion and embarrassment as that which the Council have adopted; but there is no doubt, on the other hand, that the Council might have asserted their privilege and carried out their decision as to the Tariff, by means which would not have placed the head of the Executive Government in the unpleasant position from which I have narrowly escaped (and that perhaps only for a time) of being without funds to keep up the gaol and police establishments, and pay the pledged allowances to the Queen's troops, to collect the revenue, and discharge the other regular and routine functions of administration.

42. I propose to report in another despatch the steps which I have been obliged to take in order to meet this difficulty, which I am convinced would be rather augmented than diminished, either by a prorogation or a dissolution or the resignation of the Ministers; the facts being that the Ministers are acting only in pursuance of the views of a very large majority of the Assembly, which views appear, so far as I can form an opinion, from the results of public meetings and demonstrations, to be endorsed by a preponderance of numbers in the constituencies.

I have, &c.

(Signed) C. H. DARLING.

Inclosure 1 in No. 10.

Address of the Legislative Assembly to Governor Sir C. Darling.

To his Excellency Sir Charles Henry Darling, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-chief of the Colony of Victoria, &c., &c., &c.

May it please your Excellency,

WE, Her Majesty's most dutiful and loyal subjects, the members of the Legislative Assembly of Victoria, in Parliament assembled, beg respectfully to acquaint your Excellency that in consequence of the laying aside by the Legislative Council, without message or communication to the Legislative Assembly, of the Bill of Supply and Appropriation passed by the Legislative Assembly, the salaries of Civil servants for the month of July have not yet been paid, and other obligations are undischarged; and we, therefore, pray your Excellency to cause such measures to be adopted as shall, in the opinion of your Excellency's responsible advisers, be expedient or necessary for satisfying the liabilities aforesaid, and for maintaining the efficiency of the public service.

(Signed) FRANS. MURPHY, *Speaker*.

Extract from Votes and Proceedings of the Legislative Assembly.

Thursday, August 24, 1865.

Payment of Salaries and Public Obligations.—Mr. Macgregor moved, pursuant to notice, that an Address be presented to his Excellency the Governor, respectfully representing that in consequence of the laying aside by the Legislative Council, without message or communication to the Legislative Assembly, of the Bill of Supply and Appropriation passed by this "House," the salaries of Civil servants for the month of July have not yet been paid, and other public obligations are undischarged; and praying his Excellency that such measures may be adopted as shall, in the opinion of his responsible advisers, be expedient or necessary for satisfying the liabilities aforesaid, and for maintaining the efficiency of the public service.

Debate ensued.

Mr. Greeves moved, that this debate be now adjourned.

Debate continued.

Question.—That this debate be now adjourned—put and negatived.

Debate further continued.

Mr. Snodgrass moved, as an amendment, that all the words after the word "that" to and inclusive of the word "House" in the fifth line be omitted, and that all the words after the word "undischarged," in the sixth line, be omitted with the view of inserting instead thereof the words, "and that the Resolution of this House, adopted on the 27th day of July, 1865, has failed in realizing the expectations of

this House, and in the opinion of this House the Resolution referred to be now read and rescinded."

Debate further continued.

Question—That the first words proposed to be omitted stand part of the question—put.

Assembly divided.

Ayes, 41.

Mr. Bayles.	Mr. Kyte.
Mr. Berry.	Mr. Lalor.
Mr. Bindon.	Mr. Longmore.
Mr. Brown.	Mr. Macgregor.
Mr. Burt.	Mr. McCulloch.
Mr. Campbell.	Mr. McLellan.
Mr. Casey.	Mr. Macpherson.
Mr. Connor.	Mr. Michie.
Mr. Cope.	Mr. Ramsay.
Mr. Crews.	Mr. Randall.
Mr. Cunningham.	Mr. Richardson.
Mr. Davies.	Mr. Riddell.
Mr. Edwards.	Mr. Robinson.
Mr. Foott.	Mr. G. V. Smith.
Mr. Francis.	Mr. Sullivan.
Mr. Frazer.	Mr. Verdon.
Mr. Grant.	Mr. Wardrop.
Mr. Halfey.	
Mr. Harbison.	
Mr. Higinbotham.	
Mr. Hopkins.	
Mr. King.	

Tellers.

Mr. Dyte.
Mr. Jones.

Noes, 16.

Mr. Blackwood.	Mr. O'Grady.
Mr. Cohen.	Mr. Pope.
Mr. Creswick.	Mr. Sherwin.
Mr. Dane.	Mr. Snodgrass.
Mr. Gillies.	Mr. Thomson.
Mr. Harker.	
Mr. Kerferd.	
Mr. Levey.	
Mr. Levi.	

Tellers.

Mr. MacBain.
Mr. L. L. Smith.

And so it was resolved in the affirmative.

Question—That an Address be presented to his Excellency the Governor, respectfully representing that in consequence of the laying aside by the Legislative Council, without message or communication to the Legislative Assembly, of the Bill of Supply and Appropriation passed by this House, the salaries of the Civil servants for the month of July have not yet been paid, and other public obligations are undischarged; and praying his Excellency that such measures may be adopted as shall, in the opinion of his responsible advisers, be expedient or necessary for satisfying the liabilities aforesaid, and for maintaining the efficiency of the public service—put.

Assembly divided.

Ayes, 40.

Mr. Bayles.	Mr. King.
Mr. Bindon.	Mr. Kyte.
Mr. Brown.	Mr. Lalor.
Mr. Burt.	Mr. Longmore.
Mr. Casey.	Mr. Macgregor.
Mr. Connor.	Mr. McCulloch.
Mr. Cope.	Mr. Macpherson.
Mr. Creswick.	Mr. Michie.
Mr. Crews.	Mr. Ramsay.
Mr. Cunningham.	Mr. Randall.
Mr. Davies.	Mr. Richardson.
Mr. Dyte.	Mr. Riddell.
Mr. Edwards.	Mr. Robinson.
Mr. Foott.	Mr. G. V. Smith.
Mr. Francis.	Mr. Sullivan.
Mr. Frazer.	Mr. Verdon.
Mr. Grant.	Mr. Wardrop.
Mr. Halfey.	
Mr. Harbison.	
Mr. Higinbotham.	
Mr. Hopkins.	

Tellers.

Mr. Cohen.
Mr. Jones.

Noes, 16.

Mr. Blackwood.	Mr. O'Grady.
Mr. Campbell.	Mr. Pope.
Mr. Dane.	Mr. Sherwin.
Mr. Gillies.	Mr. Snodgrass.
Mr. Harker.	Mr. Thomson.
Mr. Levey.	
Mr. Levi.	
Mr. MacBain.	
Mr. McLellan.	

Tellers.

Mr. Kerferd.
Mr. L. L. Smith.

And so it was resolved in the affirmative.

Assembly adjourned at thirty-one minutes past 12 o'clock until 4 o'clock on Tuesday next.

(Signed) FRANS. MURPHY, *Speaker.*

Inclosure 2 in No. 10.

Extract from Votes and Proceedings of the Legislative Assembly.

Tuesday, August 29, 1865.

Message from his Excellency the Governor.—The following Message from his Excellency the Governor was presented by Mr. McCulloch, and the same was read and is as follows:—

C. H. DARLING, Governor.

Message No. 39.

The Governor acknowledges the Address of the Legislative Assembly, representing that the Bill of Supply and Appropriation passed by the Assembly having been laid aside by the Legislative Council without message or communication to the Assembly, the salaries of Civil servants for the month of July have not yet been paid, and other obligations are undischarged, and praying the Governor to cause such measures to be adopted as shall in the opinion of his Responsible Advisers be expedient or necessary for satisfying the liabilities aforesaid, and for maintaining the efficiency of the public service.

The Governor has never failed to give respectful attention to the opinions and advice of his Responsible Ministers, and he now desires to assure the Legislative Assembly that he is prepared to take into his earnest consideration any measure his Ministers may recommend whereby, in the exercise of his legal and constitutional powers, it may seem possible to alleviate the existing pressure upon the Civil servants and the public creditor, resulting from the delay which has occurred in the passing of the annual Appropriation Bill.

But the Governor must beg to remind the Assembly that so long as the 44th and 55th sections of the Constitution Act and the 24th and 25th sections of the Act 22nd Vict., No. 86 (Audit Act Amendment) remain in force, it is not competent to him to sanction the issue of money from the public account, either for the payment of the salaries of Civil servants or for any other object, unless the amount required is rendered legally available by an Act duly concurred in and passed by the three branches of the Legislature.

Influenced by a sincere desire to promote the object the Assembly has in view, as expressed in their Address, and believing that that object can only be effectually accomplished by the renewal of communication between the Council and Assembly on the subject of the Bill referred to, the Governor cannot hesitate to express his earnest hope that both Houses, recognizing the peculiar and pressing nature of the present conjuncture, will be disposed to take such steps for restoring intercourse between them, either by conference or otherwise, as the custom of Parliament may sanction.

The Governor having deemed it due to the Legislative Council to communicate to that body the Address of the Assembly and this reply, transmits to the Assembly a copy of the Message by which the communication to the Council was made.

Government House, August 29, 1865.

C. H. DARLING, Governor.

The Governor deems it due to the Legislative Council to communicate to them an Address which he has received from the Legislative Assembly, together with the Governor's Message in reply thereto.

It is the Governor's earnest desire to aid, by all possible means within the scope of his duty and legitimate authority, in accomplishing the objects which the Address of the Assembly has in view; and the Governor trusts that the Legislative Council will recognize in the reference made by the Assembly to a resolution of the Council, and in the present exceptional and embarrassing position of affairs in the Legislature, a sufficient reason for the expression to the Council of the Governor's hope that active legislation with regard to the finance of the Colony may be promptly resumed.

The Governor feels assured that in considering how this important object may be best attained, the deliberations of the Council will be characterized by an enlightened regard for the interests of the community at large, and a just appreciation of the peculiar difficulties by which the present conjuncture is attended.

Government House, August 29, 1865.

Ordered to lie on the table and to be printed.

Assembly adjourned at twenty-two minutes to 8 o'clock until 4 o'clock to-morrow.

(Signed) FRANS. MURPHY, *Speaker*.

Inclosure 3 in No. 10.

Extract from Minutes of the Proceedings of the Legislative Council.

Tuesday, August 29, 1865.

Message from his Excellency the Governor.—The Honourable G. W. Cole presented to the Council the following Message from his Excellency the Governor :—

C. H. DARLING, *Governor*.

The Governor deems it due to the Legislative Council to communicate to them an Address which he has received from the Legislative Assembly, together with the Governor's Message in reply thereto.

It is the Governor's earnest desire to aid, by all possible means within the scope of his duty and legitimate authority, in accomplishing the objects which the Address of the Assembly has in view ; and the Governor trusts that the Legislative Council will recognize, in the reference made by the Assembly to a resolution of the Council, and in the present exceptional and embarrassing position of affairs in the Legislature, a sufficient reason for the expression to the Council of the Governor's hope that active legislation in regard to the finance of the colony may be promptly resumed.

The Governor feels assured that, in considering how this important object may be best attained, the deliberations of the Council will be characterized by an enlightened regard for the interest of the community at large, and a just appreciation of the peculiar difficulties by which the present conjuncture is attended.

Government House, August 29, 1865.

To his Excellency Sir Charles Henry Darling, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria.

May it please your Excellency—

We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Assembly in Parliament assembled, beg respectfully to acquaint your Excellency that, in consequence of the laying aside by the Legislative Council, without Message or communication to the Legislative Assembly, of the Bill of Supply and Appropriation passed by the Legislative Assembly, the salaries of the Civil Servants for the month of July have not yet been paid, and other obligations are undischarged ; and we therefore pray your Excellency to cause such measures to be adopted as shall, in the opinion of your Excellency's responsible advisers, be expedient or necessary for satisfying the liabilities aforesaid, and for maintaining the efficiency of the public service.

(Signed) FRANCIS MURPHY, *Speaker*.

C. H. DARLING, *Governor*.

The Governor acknowledges the Address of the Legislative Assembly, representing that the Bill of Supply and Appropriation, passed by the Assembly, having been laid aside by the Legislative Council, without Message or communication to the Assembly, the salaries of Civil Servants for the month of July have not yet been paid, and other obligations are undischarged ; and praying the Governor to cause such measures to be adopted as shall, in the opinion of his responsible advisers, be expedient or necessary for satisfying the liabilities aforesaid, and for maintaining the efficiency of the public service.

The Governor has never failed to give respectful attention to the opinions and advice of his responsible Ministers ; and he now desires to assure the Legislative Assembly that he is prepared to take into his earnest consideration any measures his Ministers may recommend, whereby, in the exercise of his legal and Constitutional powers, it may seem possible to alleviate the existing pressure upon the civil servants and the public creditor, resulting from the delay which has occurred in the passing of the Annual Appropriation Bill.

But the Governor must beg to remind the Assembly that, so long as the 44th and 55th sections of the Constitution Act, and the 24th and 25th sections of the Act 22 Vic. No. 86 (Audit Act Amendment) remain in force, it is not competent to him to sanction the issue of money from the Public Account, either for the payment of the salaries of civil servants or for any other object, unless the amount required is rendered "legally available" by an Act duly concurred in and passed by the three branches of the Legislature.

Influenced by a sincere desire to promote the object the Assembly has in view, as expressed in their Address, and believing that that object can only be effectually accomplished by the renewal of communication between the Council and Assembly on the subject of the Bill referred to, the Governor cannot hesitate to express his earnest hope that both Houses, recognising the peculiar and pressing nature of the present conjuncture, will be disposed to take such steps for restoring intercourse between them, either by conference or otherwise, as the custom of Parliament may sanction.

The Governor having deemed it due to the Legislative Council to communicate to that body the Address of the Assembly and this reply, transmits to the Assembly a copy of the Message by which the communication to the Council was made.

Government House, August 29, 1865.

The Message was read at the table by the Clerk.

The Honourable G. W. Cole moved, That the consideration of the Message from his Excellency the Governor be made an order of the day for to-morrow.

Question—put and passed.

The Council adjourned at ten minutes to 5 o'clock until 4 o'clock on Wednesday, the 30th instant.

Inclosure 4 in No. 10.

Extract from Minutes of the Proceedings of the Legislative Council.

Wednesday, August 30, 1865.

Message from his Excellency the Governor.—The order of the day for the consideration of the Message from his Excellency the Governor being read, the Honourable T. H. Fellows moved, That a Select Committee of seven Members be now appointed to prepare an Address in reply to his Excellency's Message.

Question—put and passed.

The Honourable T. H. Fellows moved, That the Committee consist of the following Members, viz., the Honourable W. Highett, H. M. Murphy, W. H. F. Mitchell, W. Taylor, J. F. Strachan, J. P. Fawcner, and the Mover.

Question—put and passed.

The Committee retired to prepare the Address.

The Honourable T. H. Fellows brought up the Address prepared by the Select Committee.

The Address was read at the table by the Clerk as follows :—

To his Excellency Sir Charles Henry Darling, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-chief of the Colony of Victoria, &c.

May it please your Excellency,

We, Her Majesty's most dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, beg to approach your Excellency with expressions of sincere respect and confidence.

The Message which your Excellency has been pleased to transmit to us has received our most careful consideration.

We thank your Excellency for your announcement that you will not sanction "the issue of money from the Public Account unless the amount required is rendered 'legally available' by an Act duly concurred in and passed by the three branches of the Legislature;" and we moreover feel assured that your Excellency will not permit the exercise of any assumed authority, or become a party to any arrangement, by whomsoever proposed, which, though it may not violate the letter of any positive enactment, is opposed to its spirit and obvious intention.

Although we are placed in a somewhat novel position by the receipt of your Excellency's Message, we nevertheless concur with you in the "hope that active legislation in regard to the finance of the Colony may be promptly resumed."

While we "appreciate the peculiar difficulty by which the present conjuncture is attended," we must acquaint your Excellency that "the present exceptional and embarrassing position of affairs in the Legislature" has been occasioned by a departure from the ordinary usages of Parliament with regard to the annual Appropriation Bill.

We would recall to your Excellency's memory a despatch dated 16th April, 1849, from Her Majesty's then Principal Secretary of State for the Colonies, to your Excellency's predecessor in the Government of Jamaica, in which the latter was instructed "not in future to admit of any innovation on the regular and constitutional practice of keeping Revenue and Appropriation Bills separate from each other,"—a practice which the Secretary of State, in the same despatch, described as "fully established" in the United Kingdom.

We would inform your Excellency that it has been the invariable practice in this Colony to keep Revenue and Appropriation Bills separate from each other, as our Statute-book amply testifies; but even had it been otherwise, the Constitution Act, which requires the "rules, forms, and usages" of the Imperial Parliament to be followed so far as the same are applicable to the proceedings of the two Houses, imperatively required that we should refuse to entertain a Bill introduced in violation of them.

We desire to acquaint your Excellency that a Bill was transmitted to this House by the Legislative Assembly appropriating the supplies to the service of the present year, and abolishing the present and imposing new duties of Customs;—a Bill to which, even if it had passed both Houses, your Excellency, according to the rule laid down in the instruction before referred to, could not have given Her Majesty's assent.

We can assure your Excellency that we are and always have been ready and desirous to agree to a Bill for appropriating the supplies in the usual and accustomed manner; and with a view to facilitate the introduction of a measure for that purpose, we caused an entry to be made in the Journals of this House in relation to the Bill above referred to, "That as, by the thirty-fourth section of the Constitution Act, the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by both the said Council and Assembly, and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause of appropriation should be introduced into a Bill of Supply; and as this Bill of Supply contains a clause appropriating the supplies granted during the present session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the waste lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside."

We gather, from the Address of the Legislative Assembly, which your Excellency has communicated to us, that that House considers itself placed in a difficulty by reason of this House having laid aside the Bill without Message or communication to the Assembly; but we would point out to your Excellency that, when either House disposes of a Bill, either by negating the motion for its being read, or by postponing the second or third reading for six months, it is not the practice to send any Message or communication to the other House, and that therefore we have not omitted any usual step.

We would remind your Excellency that, when either House desires to be informed of the mode in which the other House has dealt with any Bill transmitted to it, it is the practice to cause a search to be made in the Journals of the latter "to see what proceedings have taken place respecting the Bill,"—a practice which was recently followed by the House of Commons after a motion had been carried in the House of Lords that the Paper Duties Bill should be read a second time that day six months, no Message or communication having been made by the Lords to the Commons, informing them of the fate of that Bill; but it does not appear that the Legislative Assembly has appointed any Committee to inspect the Journals

of this House with relation to any proceedings upon the Supply and Appropriation Bill.

In the peculiar situation in which the Colony is now placed, we have to request that your Excellency will be pleased to transmit this Address to Her Majesty's Principal Secretary of State for the Colonies, for his information.

The Honourable T. H. Fellows moved, That the Address be now adopted.

Amendment moved by the Honourable G. W. Cole, That all the words after the word "that" be omitted, with a view to insert the words "the consideration of the Address be made an Order of the day for to-morrow."

Debate ensued.

Question, That the words proposed to be omitted stand part of the question; put and passed.

Question, That the Address be now adopted, put and passed.

The Council adjourned at a quarter to 6 o'clock until half-past 4 o'clock on Tuesday the 5th proximo.

Inclosure 5 in No. 10.

Extract from Minutes of the Proceedings of the Legislative Council.

Tuesday, September 5, 1865.

Message from his Excellency the Governor.—THE Honourable G. W. Cole presented to the Council the following Message from his Excellency the Governor:—

C. H. DARLING, Governor.

The Governor thanks the Legislative Council for their Address in reply to the Governor's Message relating to the Bill of Supply and Appropriation now in possession of the Council.

In compliance with the wish of the Council, the Governor will take care to communicate their Address to Her Majesty's Principal Secretary of State for the Colonies.

The Governor would beg to remind the Legislative Council that, while in that passage of the Governor's Message to the Assembly, to which the Council more immediately refers, he pointed out that it was not competent to him, as the law at present stands, to sanction the issue of money from the public account, unless the amount required were rendered legally available by an Appropriation Act, he had in the preceding paragraph assured the Assembly of his desire to alleviate the existing pressure upon the Civil servants and the public creditor by any measure which it might be within his power legitimately to adopt.

And the Governor now acquaints the Council, in reply to their expression of confidence as to the course which the Governor would take, that without violating either the letter or the spirit of the laws, he has, with the advice and concurrence of his responsible Ministers, succeeded in making temporary and provisional arrangements for meeting the inevitable pecuniary liabilities of the Government in the present emergency.

The Governor has felt it the more incumbent upon him to endeavour to effect this object, because that emergency has been occasioned, not by any design or intention on the part of either the Council or the Assembly to withhold the usual supplies, but has resulted entirely from a conflict of opinion as to privilege, precedent, and practice, which has unhappily arisen between those bodies in the exercise of the powers conferred on them respectively by law.

If the Governor could have entertained any doubt of the intentions of the Council in this respect, that doubt would have been removed by the assurance he has now received, that the Council are ready and desirous to agree to the annual Appropriation Bill, if sent up to them as a separate measure.

The Governor is sensible of the courtesy which has induced the Council to present to him their view of the circumstances which have led to the present position of the Council in relation to the Legislative Assembly.

The Governor understands the view of the Assembly, on the other hand, to be, that they are in effect contending for a fundamental principle of the Constitution, which they conceive to be endangered.

In such a controversy, the Governor regrets to know that it is not in his power effectually to interpose; and believing, as he does, that similar misunderstandings

will occasionally recur, and that there is no power or authority whatever which can conclusively decide disputes between independent Legislative bodies, not as to whether rights and powers are possessed, but whether, being possessed, they have been wisely and properly exercised, the Governor can only cherish the hope that, for the sake of the public interests, the period during which it may be deemed necessary in the present instance to maintain a suspension of intercourse between the two Houses, in vindication of the privileges and dignity of either, may be rapidly approaching to its close.

Adverting to the remarks of the Council upon the supposed obligations of the Governor with regard to the "laid aside" Bill, the Governor would observe that, in discharge of his duties as the Representative of the Crown in Victoria, he is not in any degree bound by, nor would his responsibilities be exonerated by a reliance on, instructions addressed to the Governor of Jamaica sixteen years since, or at any more recent date. If, indeed, the practice of Jamaica were of any value as a precedent in Victoria, that practice would show that the separation of supply and appropriation, however much in accordance with the ordinary usage of Parliament, and expedient as a general rule, is not regarded as an indispensable principle of financial legislation.

The Act by which the Constitution of Jamaica was amended and settled in the year 1854 raises revenue by duties of Customs, and appropriates those duties to the payment of the salaries of Civil servants, as well as to other purposes; and since that Act was passed, several Bills have proceeded from the Assembly combining supply and appropriation in various forms, have been adopted by the Council without demur, and received the Royal assent without objection or comment from Her Majesty's Government.

The Message was read at the Table by the Clerk.

The Honourable G. W. Cole moved, That the consideration of the Message be made an order of the day for to-morrow.

Question put and passed.

The Council adjourned at twenty minutes to 7 o'clock until 4 o'clock on Wednesday the 6th instant.

Inclosure 6 in No. 10.

Opinion of the Attorney-General.

1. THE words in the 56th section, "all Bills for appropriating any part of the revenue of Victoria," are coupled with the words, "for imposing any duty, rate," &c., by the conjunction "and;" I am therefore of opinion that no Bill comes within the 56th section, unless it both appropriates a part of the revenue and imposes a duty or rate. It may be contended that the repetition of the word "for" shows that the words "all Bills" are to be understood after the word "and," so that the sections ought to be read thus:—All Bills for appropriating any part of the revenue of Victoria, and *all Bills* for imposing any "duty, rate," &c. There might perhaps be some force in this argument, if the insertion of the word "for" could not be explained. But I think its use is easily accounted for. There is a clear difference between a Bill appropriating revenue, and a Bill *for* appropriating revenue—between a Bill imposing a duty, and a Bill *for* imposing a duty. The main object of a Bill imposing a duty is not necessarily the imposition of a duty, but the main object of a Bill *for* imposing a duty is the imposition of a duty. The distinction is easily seen in the case of a Bill imposing a penalty. The Land Bill, for instance, imposes certain penalties upon persons offending against its provisions. It is therefore a Bill imposing a penalty, but it could not be correctly described as a Bill *for* imposing a penalty. If the word "for" had been admitted before the words "any duty," then it might have been contended that while a Bill would not come within the meaning of the first part of the section, unless it was a Bill not merely appropriating but for appropriating the revenue, yet it would come within the meaning of the second part of the section, if it incidentally imposed a duty, although it might not be a Bill *for* imposing a duty. It was therefore necessary to repeat the word "for," and any argument founded on its repetition therefore falls to the ground. It is true that the word "and" is occasionally, in the construction of documents, read as "or," but this is only where there is something in the rest of the document to show that this is the proper construction. I can see nothing in either the 56th or 57th sections (the only two sections of the

Constitution Act which relate to Bills as to which the powers of the Council are or may be supposed to be limited) to show that the word "and" is to be read "or." It may be said that, according to this construction, the Legislative Council might alter even the Appropriation Bill, and that this is a *reductio ad absurdum* of the above line of argument. I may admit that the Council has power to alter the Appropriation Bill without admitting the inference sought to be drawn from that admission.

It might, however, be by some contended, that my argument is correct, and yet that the Council could not alter the Appropriation Bill, for the Assembly might urge (if it stands to the Council in the same position as the House of Commons stands in to the House of Lords) that the same reason, certainly not statute law, which prevents the House of Lords from altering an Appropriation Bill would prevent the Council from doing so. For it is to be observed, that the question *now* under discussion is not whether the Council is prevented from altering the Appropriation Bill, but whether it is prevented by the Constitution Act from doing so.

We may know, as a matter of history, that it was not intended by the framers of the Constitution Act that the Council should have power to alter Appropriation or other Money Bills; but it is one of the elementary principles in the interpretation of statutes that the intention of the framers can be gathered only from the words they have employed in the statute, although it is allowable to compare a statute with another *in pari materia*. I have contended that the alleged intention nowhere appears in the Constitution Act; and as two Chambers did not exist previously to its becoming law, there is no other statute with which we can compare it in order to arrive at the interpretation to be put upon it.

Although in a legal point of view altogether unimportant, yet I may observe that those persons who have been guilty of a *petitio principii* (i.e., in the legal aspect of the case) in assuming that the framers of the Constitution intended that the Council should not interfere with Money Bills, may avoid a shock to their preconceived notions by taking the following view, namely, that the 56th clause printed to a class of Bills so entirely relating to money matters that it could be decided at once that the Council should have no power in any way to alter them, while it was intended that the powers of the Council as to Bills only partially relating to money matters should be the subject of future arrangement. The Constitution Act properly avoids entering into details. Thus it does not make provision for the mode in which elections should be conducted, but provides that the Legislature in existence at the time of the proclamation of the Act should pass an Act or Acts for that purpose. In like manner it provides that the Legislature might by an Act or Acts define the privileges and powers to be held, enjoyed, and exercised by the Council and Assembly respectively. It is clear that by such an Act or Acts it might declare what are to be considered Money Bills, how far, if at all, the Council might alter them, and might provide that the imposition of penalties or the exaction of fees should not constitute a Bill. All these points are matters of detail which would be out of place in a Constitution Act.

If, indeed, there were no class of Bills which could come within the 56th section, according to the interpretation I put upon it, we might be justified perhaps in putting a forced construction upon it. But it is clear there are Bills which would come within the 56th section. For instance, a Bill imposing a poll-tax upon every person entering the Colony, and appropriating a part of the proceeds to the support of an hospital, would clearly come within it. But if we are to read the 56th section as if the word "and" were to be read as "or," or as if the words "all bills" are to be understood before the second "or," yet I think that the Council is not prohibited from making amendments in the Land Bill, and for two reasons: first, because that Bill does not impose a rent. The word rent is associated with the word "duty, rate, tax, return, or impost," and I think must be construed as a word of a similar purport, especially considering that it is governed by the veil "imposing." A payment voluntarily made in return for a benefit received can hardly be said to be imposed; there seems no difference in principle between a payment made periodically, and a payment made once for all between the sale of land for a term of years upon payment of a certain sum at the commencement of the term, and a lease of the said land for the same term at a rent paid annually or quarterly; and in the next place, because, even if it is a Bill imposing a rent, it is not a Bill *for* imposing a rent. Its main object is not the imposition of a rent. If the Council cannot alter this Bill I do not think it could alter any Bill imposing penalties or exacting fees. I do not think there is any foundation for the opinion that there may be in a Bill clauses which the Council is prohibited by the 56th section from altering, because they relate to money matters, while there may be others which it may alter, because they do not relate to money matters. The words of the section are—"All Bills for," &c., "and for" &c.,

"shall originate in the Assembly, and may be rejected but not altered by the Council," not "*all clauses.*"

2. It seems often to be assumed that the Assembly stands in the same position with regard to privileges as the House of Commons stands in to the House of Lords. It may be observed, in passing, that although the Lords, in practice, never assert the right to originate or to alter Money Bills, yet they have never abandoned their claim. See Lord Brougham's Political Philosophy, Part III, chap. xxix. (which contains some forcible arguments against the privilege claimed by the House of Commons). But conceding that the Commons have legally the right which they claim, it by no means follows that the Assembly has similar privileges. There is nothing in the Constitution Act which says that the Assembly is to stand to the Council in the same position as the House of Commons stands in to the House of Lords.

It may be argued, that by the *lex non scripta* the Assembly has the same privileges as the House of Commons, but in the case of *Penton v. Hempton* (11 Moore's Privy Council Papers, p. 347), it was decided that a Colonial Legislature had not the privileges of the House of Commons. But even if the assumption alone alluded to had any foundation in fact, it is clear that the common law, of which the law of Parliament is a part, will be over-ridden by express enactment. And there is an Act (21 Vict., No. 1) defining the privileges of the Victorian Parliament. The first section of that Act declares "that the Legislative Council and Legislative Assembly of Victoria, *respectively*, shall hold and enjoy and exercise such and the like privileges as at the time of the said recited Act were held and exercised by the Commons House of Parliament of Great Britain and Ireland so far as the same are not inconsistent with the said recited Act" [*i.e.* the Constitution Statute]. The Council has therefore the same power as the House of Commons to originate or alter any Bill not coming within the meaning of the 56th section of the Constitution Act. If it is said that the conclusion I have arrived at is an undesirable one, as it is not expedient that the Council should have power to originate or alter Money Bills, the remedy is not to put a false construction upon the 56th section of the Constitution Act, or to disregard the Act 21 Vict., No. 1; but to adopt the course pointed out by the 35th section of the Constitution Act, namely, to pass an Act defining the privileges of the Assembly with regard to Money Bills.

(Signed)

J. DENNISTOUN WOOD.

No. 11.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received November 11, 1865.)

(No. 116.)

(Answered No. 107, November 27, 1865, page 101.)

Sir,

Government House, Melbourne, September 22, 1865.

ADVERTING to the concluding paragraph of my despatch No. 115,* I proceed to report the steps which have been adopted in order to meet the pecuniary obligations of the Government, and to maintain its several Departments in effective operation until the Annual Appropriation Bill, or some enactment with a similar object, shall have passed into law.

2. In my Message to the Legislative Council, inclosure No. 3 to my despatch No. 115, I stated that I had succeeded in making temporary and provisional arrangements for meeting the inevitable pecuniary liabilities of the Government, in the present emergency, observing that those arrangements had been made with the advice and concurrence of my Responsible Advisers, and that they neither violated the letter or spirit of the laws.

3. The arrangement thus referred to was of a very simple nature. One of the six banks in Melbourne, with which the public revenue is by law deposited, had agreed to make advances equal to the amount at the credit of the Colony, upon no other security than the pledge of the Government that the amount advanced would be repaid under the Governor's authority whenever the existing dispute between the Council and Assembly should be arranged.

4. I inclose a copy of the correspondence with the banks,† which, under the authority of an Order of the Governor in Council, a copy of which (together with copies of two Supplementary Orders) is also transmitted, was initiated on the day (the 29th ultimo) on which I sent down to the Assembly my Message, pointing out the difficulty of paying monies directly out of the "public account."

5. From that correspondence it will appear that five out of the six banks acting in concert declined to afford the assistance required, and that the London Chartered

* Page 10.

† Not printed.

Bank of Australia alone undertook to support the Government in the serious difficulty in which it is placed.

6. The letter of the Manager of the London Chartered Bank, and the reply of Mr. Verdon, the Treasurer, will be found at page 2 of the inclosure No. 1.*

7. The correspondence with the other banks was protracted until the 4th September, and when I sent my second Message to the Council, on the 5th of that month, I had reason to believe that the arrangements made by the Treasurer, under the authority of the Order of the Governor in Council, would suffice to meet all the pressing engagements of the Government. Upon the following day, the 6th September, the first advance of 40,000*l.* was made by the bank, and upon the same day judgment was obtained in the Supreme Court by a Chinaman for monies due to him from the Government in connection with a sale of certain forfeited goods. This judgment was given under the provisions of an Act which affords means of promptly enforcing claims against the Crown.

8. I beg to inclose a copy of this law. It consolidates the previous laws upon the subject, one of which contained precisely similar powers.

9. The 25th Clause, it will be seen, empowers the Governor to pay out of the Consolidated Revenue the damages assessed by the Court, and any costs which may be adjudged or awarded by the same authority.

10. This particular claim, which, as charges of collusion have, I perceive, been advanced against the Government, I may here state was made and enforced *bond fide*, was presented at the Treasury, accompanied by the Prothonotary's certificate, and having been forwarded by the Treasurer to the Commissioners of Audit, was without hesitation entertained by those officers, who certified forthwith that the amount was "legally available," and the usual warrant was presented to me for signature accordingly.

11. This law having been thus resorted to, it became immediately apparent that all persons possessing a just claim against the Government might pursue a similar course, and if judgment were not confessed, fix the Government with heavy costs in every case; and I at once expressed my own opinion, that if such claims were brought by the Civil Servants, either upon the ground of contract or the special provisions of the Civil Service Act, they ought to be admitted and judgment confessed.

12. The whole question of the applicability of the Act to the existing position of affairs was then considered; the trouble and expense of meeting the numerous claims against the Government if severally and separately enforced, through the medium of the Supreme Court, constituted serious objections to that course, which it was desirable if possible to remove; and the Law Officers being of opinion that the Government are justified in obtaining the use of money for carrying on the Government,† and maintaining the public credit, and would thus become in view of the Law a debtor of the parties from whom the money should be obtained, this plan has from the date referred to been acted upon. Sums have been obtained from time to time from the London Chartered Bank of Australia; judgment has been confessed by a Law Officer of the Crown; the necessary certificate given by the Audit Commissioners; and the amount owing to the Bank repaid by issues from the Public Account.

13. The possibility of being obliged to resort to these provisions of the law had, I believe, not been lost sight of by my Advisers when endeavouring to negotiate an arrangement with the banks; but the question (although the existence of the Act was of course known to me) first came under my consideration in the manner I have just narrated.

14. My Advisers are no doubt prepared to justify themselves to the Assembly as to the course they have adopted.

15. My duty, in this respect, lies towards Her Majesty's Government. I do not maintain for a moment that the law to which I have referred (No. 241) was intended to be practically applied for the purpose which, in this instance, it has been made to subserve. But I believe that the emergency (upon the critical nature of which, in a community wherein it has been for years the custom to make all the disbursements of Government, amounting to a considerable sum, every month, it must be unnecessary to comment) was such as to render it my duty to avail myself of any law rather than run the risk of being obliged, however reluctantly, to act in direct contravention of more laws than one; or to allow a state of confusion to arise which might eventually have necessitated, in parts of the Colony, the suspension of all law except that of a military nature.

* Not printed.

† See Postscript to this despatch

16. I believe, moreover, that in my capacity as the Head of the Government I have a constitutional right to borrow money, being of course accountable to the proper authorities that the purposes for which it may be obtained are legal and justifiable; and if I possess this power constitutionally it follows that I may repay out of the public revenue the sums so obtained by any means which the law affords for that purpose.

17. But when I describe, which I propose to do as briefly as possible, the precise position in which the Government stands, it will be seen that the difficulty in making payments from the public revenue is almost entirely technical, and such as could not possibly have arisen if the revenue had been deposited in the Treasury chest, instead of being lent to the Melbourne Banks. By the Act No. 86, a copy of which I inclose, passed in February 1859, it is provided that the public revenue shall be paid by the receivers thereof into such bank as the Governor in Council shall from time to time appoint, and the money thus paid in can only be obtained from the bank under the conditions laid down in the 24th, 25th, and 26th clauses of the Act.

18. The certificate of the Commissioners of Audit that the money required is "legally available," is rendered necessary by the 25th clause of the Act, as a preliminary to the other proceedings for this purpose, and under the 44th and 55th* clauses of the Constitution Act it is required that the consolidated revenue should be appropriated to specific purposes provided for by an Act of the Legislature. The Audit Act of 2nd October, 1857, No. 24, which was repealed by the Act just referred to, contained similar provisions in this respect.

19. Very soon after it came into operation the Audit Commissioners submitted to the Law Officers of the Crown a case for opinion, of which I inclose a copy. The object of this inquiry was to ascertain whether, on the ground of custom and precedent, money was "legally available for issue under resolutions of the Assembly duly agreed to by the House, but without the consent of the other branches of the Legislature."

20. The Solicitor-General, Mr. Fellows, gave his opinion in the following words, viz. :—

"Considering that the object of the Audit Act is to make the Commissioners quite independent of the Government, I think the opinion of the Law Officers should not be acted upon by them in a case like the present, but the House should be consulted. I will see Mr. Ebdon on the matter.

"THOS. HOWARD FELLOWS.

"24th December, 1857."

21. It will be observed that Mr. Fellows did not deem it necessary to obtain the opinion of the Legislative Council; the House only was to be consulted.

22. The Commissioners of Audit acknowledged this opinion in a letter, copy of which is also inclosed, dated 30th December, 1857; and upon this letter Mr. Fellows gave a further opinion, on the 11th January, 1858, as follows, viz. :—

"I think that the resolutions of a Committee of Supply reported to and adopted by the House make the amount legally available. In point of fact, votes of credit were passed, and moneys issued on them, during 1857, when changes of Ministers took place, and which have never been questioned. It is, moreover, in accordance with the practice of the House of Commons.

"THOS. HOWARD FELLOWS.

"11th January, 1858."

Upon these opinions, corroborated by a subsequent one given on the 21st of March, 1859, by the then Attorney-General, Mr. Chapman, a copy of which is inclosed, the Commissioners of Audit continued to declare money "legally available" for issue upon the votes of the Assembly; and, in anticipation of the Annual Appropriation Bill, up to the beginning of the year 1862.

23. In January in that year the Government, in consequence, as I understand, of discussions in both Houses as to the irregularity of the course hitherto pursued, determined upon adopting a plan more in conformity with the English practice; and this determination was announced to the Commissioners of Audit, on behalf of the then Treasurer, Mr. Haines, in a letter, a copy of which is Inclosure No. 6.† This letter was replied to by the Commissioners of Audit upon the 29th January; and it will be perceived from the correspondence how distinctly both the Treasurer and the Audit Commissioners admitted the necessity of keeping faith with the

* See Appendix.

† Not printed.

public creditor, of making payments under contracts for maintenance of prisoners, and "many other important services," as a sufficient ground for issuing money under the old system; although it was expected that the first of the Bills of Supply then originated "would become law in the ensuing week."

24. From the period referred to the system of passing Acts applying revenue from time to time, until the Appropriation Bill should be passed, has been adhered to. It is important, however, to observe that, neither by any Act of the Legislature nor by any resolution of either Chamber, has the former practice been declared illegal. The Commissioners of Audit have, nevertheless, expressed their view to be that the passing of the first Supply Act was a "distinct declaration of the wishes of Parliament as to the course henceforth to be pursued, and cannot be altered except by the action of Parliament itself."

25. It is, therefore, entirely from the view which the Audit Commissioners take of their duty that the difficulty of meeting the just claims against the Government, by direct issues from the public account, has arisen.

26. The necessity of keeping faith with the public creditor, and meeting the pecuniary engagements of the Government, which was admitted by the Audit Commissioners in January 1862, as a sufficient reason for giving the requisite certificate, is not regarded as justifying a similar course at the present moment.

27. Yet the present case appears to be much stronger than that of 1862, inasmuch as the Assembly have already passed the Appropriation Bill itself. The Council have twice declared, first by resolution, and subsequently in their Address to me, their readiness to pass it, when sent up in a separate form, thus virtually acquiescing in the proposed expenditure, and have actually concurred in laws which have provided the necessary supplies up to the end of June last.

28. I may refer, moreover, to the Civil Service Act, No. 160, and to the Constitution Act, section 45, as giving to the Civil servants, and especially to all persons concerned in the collection of revenue, indefeasible rights to be paid out of the Consolidated Fund.

29. So far as the Government is concerned, the Address of the Assembly to me is conclusive as to the certainty of obtaining an Act of Indemnity if the course we are compelled to take should ultimately involve a suspension of law; but with respect to the Council, the proceedings now going on in that Body indicate nothing but extreme resentment that a mode should have been discovered of averting the most serious of the consequences which the dispute between that Body and the Assembly has entailed upon the Executive and the community.

30. While indulging such a feeling, the Council do not appear to bear in mind that in a question of this nature the support of that branch of the Legislature with which, under the Constitution, all measures connected with finance must originate, is necessarily of more value than that of a Body which, however important otherwise, can only reject such measures, and is even expected to exercise that power with great moderation. They commit, moreover, the error of assuming that as, in the discharge of the responsibility which lies on me to endeavour to carry on the Queen's Government under whatever difficulties present themselves, I am advised by members of the Assembly, who are exponents of the views and decisions of that Body;—I must, therefore, share with my Ministers whatever responsibility attaches to them for the alleged offences of the Assembly against the Council; and that I ought not to take any step, however clearly in the discharge of my own duty, which may unfortunately appear to exalt the one and derogate from the weight and influence of the other in the Legislative system.

31. My Ministers could testify that I have frequently expressed my regret at the course which the Assembly pursued in combining the Tariff with the Appropriation Bill; but it would have been utterly impossible for me to exercise any control over the proceedings of that Body, and unconstitutional even to attempt it. Only two nights since I was charged by a member of the Council during a debate with having improperly interfered by employing a high public officer in the endeavour to bring about an arrangement of the existing difference by concession or compromise. There is not the slightest foundation for the statement; but it shows the animus with which any effort of the kind on my part would be regarded.

32. As an Address to Her Majesty impeaching my conduct in this matter has been adopted by the Council, I will beg leave to defer any further remarks upon the subject until I shall have the honour of transmitting that document by the October mail.

I have, &c.

(Signed)

C. H. DARLING.

P.S.—Having requested the Attorney-General to state to me in writing the opinion as to the legal power of the Government to borrow money which he expressed orally, before the first loan was repaid to the Bank, Mr. Higinbotham has complied with my request in the following terms, viz., “With reference to the question which his Excellency put verbally to the Attorney-General yesterday, the Attorney-General begs to state that in his opinion, and that of the Minister of Justice, Her Majesty’s Local Government has legally the power to enter into contracts binding on the Crown for purposes of a public nature, and necessary for carrying on the proper functions of Government, including contracts, to borrow money for the payment of existing legal public liabilities.”

Inclosure 1 in No. 11.

Extract from “An Act to consolidate the Law relating to the Protection and Recovery of Crown Property, and the enforcement of Claims against the Crown.”

(No. CCXLI.)

[May 9, 1865.]

Execution against
the Crown.

“24. EXCEPT as hereinafter mentioned, no execution or attachment, or process in the nature thereof, shall be issued out of the said Court in any such suit; but after any such Judgment, Order, or Decree as aforesaid against the Crown shall have been given or pronounced, the proper officer of the said Court shall give to the petitioner a certificate in the form contained in the Eleventh Schedule to this Act, or to the like effect.

Eleventh Schedule.

Governor may pay
damages and costs,
and perform
Decrees.

“25. On receipt of such certificate it shall be lawful for the Governor to cause to be paid out of the consolidated revenue such damages as may, under the authority of this part of this Act, be assessed to or in favour of any such petitioner, and also any costs which may be adjudged or awarded to him by the said Court, and also to perform any Decree or Order which may be pronounced or made by the said Court.”

Inclosure 2 in No. 11.

Extract from “An Act to amend the Law for the Collection and Payment of the Public Moneys, the Audit of the Public Accounts, and the Protection and Recovery of the Public Property.”

(No. LXXXVI.)

[February 24, 1859.]

How moneys are to
be issued.

“24. ALL moneys paid into any bank to the ‘Public Account,’ as hereinbefore directed, shall be deemed and taken to be money lent by Her Majesty to the person to whom such bank may belong, and such moneys shall be drawn from the said account in the following manner only (that is to say): the Treasurer shall, as often as occasion may require, calculate the amount of moneys likely to become due and payable out of the said account during a period not exceeding one month next after such calculation, and shall thereupon prepare an instrument in the form contained in the Seventh Schedule to this Act, and shall set forth therein the said amount, classifying and arranging it (if for the public service) under the same divisions and subdivisions that shall have been employed in the appropriation thereof, or stating (if not for the public service) the purpose for which it is payable, and after having signed such instrument shall transmit the same to the said Commissioners; and such instrument, when countersigned by them or any two of them in the form contained in the same Schedule, and approved by the Governor as hereinafter directed, but not otherwise, shall be the warrant for the making of the Order next hereinafter mentioned.

Commissioners to
be guided by
appropriation.

“25. Before countersigning any such instrument as aforesaid, such Commissioners shall ascertain that the sums therein mentioned are then legally available for and applicable to the service or purpose mentioned in such instrument, and after countersigning such instrument shall return the same to the Treasurer, who shall thereupon submit it to the Governor for his approval and signature, and after having obtained the same shall file the said instrument in the Treasury.

Treasurer on
receipt of Warrant
to issue orders for
payment.

“26. When the said warrant shall have been signed as last aforesaid, the Treasurer, or his deputy, may from time to time, by an order in writing, direct that the drafts or cheques of such paymasters as shall be named in such order shall be honoured at any bank in which ‘the public account’ is kept, and every such order shall be in the form contained in the 8th Schedule to this Act, or to the like effect,

and shall be signed by the Treasurer or his deputy, and by him transmitted to the said Commissioners, and when countersigned by them, or any one or more of them, in the form contained in the same schedule, shall be delivered at the bank to which the same is directed, and shall be sufficient authority to such bank to honour and pay the drafts or cheques mentioned therein, and no monies shall be drawn or paid out of the said accounts in any other manner, provided always that the amount mentioned in such order shall in no case exceed the amount of the items set forth in the said warrant, and any previous warrants of the like nature, nor shall the said order be made in anticipation of any such warrant."

Inclosure 3 in No. 11.

Case for Opinion.

THE Audit Act, 21 Vic. No. 24, provides (Clauses 17, 18, and 19) that no monies shall after the 1st January next be issued from the Treasury until the Commissioners of Audit, or two of them, shall have countersigned a warrant addressed to the Treasurer.

Before signing the warrant the Commissioners are to ascertain that the sums included in it are legally available for and applicable to the service or purpose mentioned; they cannot sign unless such be the case; and without their signature the monies may not be issued.

No monies, therefore, are to be issued from the Treasury until the same are legally available.

The question arises whether the words "legally available" imply, as would seem to be the case, that the Appropriation Act must have passed both Houses and have become law, or whether, on the ground of custom and precedent, the resolutions of the Assembly, duly agreed to by the House, but without the consent of the other branches of the Legislature, may be considered as making the money "legally available" for issue.

Inclosure 4 in No. 11.

The Commissioners of Audit to the Treasurer.

Sir, *Audit Office, Melbourne, December 30, 1857.*

WE have the honour to acknowledge the receipt of Mr. Symonds' letter of this date inclosing for our information the opinion of the Solicitor-General to the effect that the Commissioners of Audit should not act upon the opinion of the Law Officers in the case put where it is a question whether moneys are legally available for issue; but the House should be consulted.

2. We conclude that the House will be consulted by Ministers, and that we shall be informed by you as to the course which it may be decided to adopt. We have now therefore only to add, that as you will probably require moneys on account of the service of 1858 about the middle of January, we shall be glad to be made acquainted with the decision at as early a date as may be.

We have, &c.

(Signed) C. H. SYMONDS.
FRANCIS JONES.
ALFRED J. AGG.

Inclosure 5 in No. 11.

Opinion of the Attorney-General respecting Payment of Sums voted in Committee of Supply, and reported before the passing of the Appropriation Act.

IN the month of May 1858 certain sums were voted in Committee of Supply and were reported to the House of Assembly, and the Report was adopted; but the House was prorogued on the 4th June without any Appropriation Act as to those sums.

Faith and effect were given to these votes, and the sums voted were paid on

the authority of a similar case which happened in the British Parliament on the sudden prorogation in April 1831, followed by a dissolution. All the sums voted and reported, or rather so much of them as was required for the public service between the dissolution and the re-assembling of Parliament in June, were paid and were re-voted in Committee of Supply after the re-assembling of Parliament.

In like manner the sums voted in May 1858 were re-voted and re-reported in October last without discussion, and were embodied in the last.

In like manner, I think any sums voted in Committee of Supply and duly reported may be paid according to the practice of Parliament.

Sums, however, which have been merely included in an address to the Governor praying in the usual form that he will be pleased to place on the Estimates such sums, &c., and respecting which no further action has been taken, cannot, I think, be so paid. The parties entitled to any benefit in respect of such addresses must wait at least until they are voted and reported.

(Signed) H. S. CHAPMAN.

March 21, 1859.

Inclosure 6 in No. 11.

The Under-Treasurer to the Commissioners of Audit.

Gentlemen,

Treasury, Melbourne, January 28, 1862.

FROM the published reports of the proceedings in the Legislative Assembly, you will doubtless have gathered that it is the intention of the Government in future, instead of incurring expenditure when a resolution in favour of such expenditure shall have been arrived at in the Committee of Supply, to pass an Act in such cases (when the payment cannot be deferred till the Appropriation Act is passed) to legalize the expenditure in question.

In order at once, as far as is practicable, to commence this new system, a Bill has been introduced, which will probably become law in the course of the ensuing week, for the purpose of enabling the Government to make such payments as cannot be deferred until the passing of the Appropriation Act; but it will be necessary in the meantime, in order to keep faith with the public creditors, to liquidate many pressing claims, and the Treasurer proposes, therefore, on the present occasion to adhere to the practice hitherto in force, so far as these claims are concerned.

The Treasurer has directed me to make this explanation to you, as the topic has been discussed in the House; but he does not anticipate that any objection will be raised by you to his acting as above indicated, and I, therefore, by his direction forward the usual form of application for the Governor's warrant for the sum of 40,000*l.*, which sum is all that in all probability will be required before the Act passes.

I have, &c.
(Signed) E. S. SYMONDS.

Inclosure 7 in No. 11.

The Commissioners of Audit to the Treasurer.

Sir,

Audit Office, Melbourne, January 29, 1862.

WE do ourselves the honour to acknowledge the receipt of the Under-Treasurer's letter dated this day, together with a warrant marked No. 7 for 40,000*l.*, the former drawing our attention to the following facts, viz., that in future the Government, instead of incurring expenditure upon resolutions arrived at in Committee of Supply, and afterwards reported to the Assembly, intend to pass an Act to legalize the expenditure; that in order at once, as far as practicable, to commence this new system, a bill has been introduced, which it is probable will ultimately become law; that in the mean time, in order to keep faith with the public creditors, it will be necessary to liquidate pressing claims, and necessary consequently to adhere to the practice hitherto in force; that the topic has been discussed in the House; and that, finally, you anticipate no objection on our part to your acting in the manner indicated.

In reply we beg to state as follows :—

We understand the above facts to be brought under our notice merely in explanation of the circumstances under which the warrant alluded to is forwarded to us, and not as constituting the grounds on which it would be right for us to sign that warrant; for our duty in regard to the issue of the public money is confined by the Audit Act within narrow limits, and we have only to ascertain whether the amount placed in the warrant is or is not legally available, and to certify or not certify accordingly.

Hitherto guided by the decisions of the Law Officers of the Crown, we have considered money to be legally available when voted in a Committee of Supply and duly reported to the Legislative Assembly, and, so far as our information extends, nothing has yet occurred to alter either the legal aspect of the question or our view in regard to it, and consequently it is not, as we conceive, competent for us at the present moment to stop the practice hitherto in force.

You will probably recollect that in bringing this question under the notice of Parliament in our last Annual Report we stated our opinion, that nothing less than the direct action of one or both Houses could alter the then existing practice, and we have reason to believe that that opinion was very generally concurred in by both the Legislature and the Government. Up to the moment of writing this, we have received no intimation whatsoever of any intention, or even of a desire, on the part of Parliament to alter the practice in question. For anything we know to the contrary, it may be the wish of Parliament to continue the practice, if not as a permanent arrangement, at least until the point of constitutional law which it involves shall have been set at rest, and due precautions taken to prevent any serious injury to the public service resulting from a change. Indeed, as regards the House of Assembly, we observe from the votes and proceedings of that body, that the vote of 80,000*l.*, under the authority of which you have prepared the present demand, was passed by the House in the usual manner unconditionally.

Under these circumstances we feel that it is our duty to certify the warrant, and have accordingly attached our signatures to it.

It is necessary, however, that we should state, in reference to the introduction of a Bill upon the present subject, as mentioned by the Under-Treasurer, that the passing of the first Act, other than the usual Appropriation Act, for giving validity to the supply votes of the Assembly, will, so far as we are concerned, settle the practice for the future; for such an Act will be a distinct declaration by Parliament that the money is not legally available for issue without the concurrence of both Houses of Parliament.

We must add that although we have signed this warrant, the Government will, we have no doubt, under the peculiar circumstances of the case, consider it advisable to ascertain whether by any means the public service could be carried on without it. The Legislative Council has, indeed, adjourned till the evening of Tuesday next, the 4th proximo, whilst payments under contract for postal services, maintenance of prisoners, and for many other important services, will become due before that date; but it might be found, on consulting with the Law Officers, that it would be possible to call the Legislative Council together for the special purpose of passing an Act of the kind, which might in such case be passed within the present week. At all events some means might possibly be devised for carrying on the service without having recourse to the present warrant.

The subject having, as the Under-Treasurer informs us, been "discussed in the House," we should feel obliged by your laying a copy of this correspondence before the Legislative Assembly.

We have, &c.
(Signed) C. H. SYMONDS.
ALFRED J. AGG.

No. 12.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received November 11.)

(No. 117.)

(Answered, No. 107, November 27, 1865, page 101.)

Sir,

Government House, Melbourne, September 23, 1865.

I HAVE the honour to forward the Minutes of the proceedings of the Legislative Council, and the votes and proceedings of the Legislative Assembly, from the 22nd August to the 21st September respectively.*

2. At page 271 of the Minutes of the Council will be found the Address to Her Majesty the Queen, adopted by that body, to which I have alluded in my despatch No. 116 of the 22nd September, 1865.†

I have, &c.

(Signed) C. H. DARLING.

No. 13.

Copy of Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received November 13, 1865.)

(Confidential.)

(Answered, Confidential, November 27, 1865, page 103.)

Sir,

Government House, Melbourne, September 25, 1865.

THE only subject of public interest at this moment is the action which the Legislative Council have taken in reference to the course pursued by the Government for discharging its inevitable pecuniary liabilities in the absence of the usual Appropriation Bill; and on that subject I have nothing to add to the Reports which my public despatches convey.

I transmit, as usual, a copy of the packet number of the "Age" and of the "Argus" newspaper.

I have abstained, in my public despatches, from attributing motives to the proceedings of the Legislative Council. I am not surprised that they should resent the attempt of the Assembly to coerce them into passing the Tariff, but I am unable to account for the anger they have displayed with me for assuming the responsibility of satisfying the public creditor in the mode I have explained in my despatch upon that subject, otherwise than by adopting the suggestion of the "Age" newspaper that they are desirous of seeing such a state of confusion produced as might lead to the retirement, for a time at least, of the present Ministry, and regard my conduct as effectually counteracting that purpose.

The Ministry are, I have no doubt, obnoxious to many Members of the Council, and the propertied Constituencies they represent, not so much on account of the active part they have taken in passing the recent Land Law as for the honesty and good faith with which they have endeavoured to carry out the intention of that law, and foil the efforts of interested parties through the medium of mock lessees to defeat the *bond fide* settlement of an independent population on the agricultural areas.

I have little doubt that it will be my duty in transmitting to you by the next mail, the Address to Her Majesty from the Legislative Council to which I have elsewhere referred, to forward at the same time strong expressions of opinion from those classes of the inhabitants of the Colony who are not bound up with the interests of the squatters (or licensed occupiers of large pastoral tracts), and the Melbourne banks.

I think there is a spirit aroused just now which will scarcely be satisfied with anything short of a reform of the Constitution of the Council, and as there is no probability of that result being accomplished here, it is probably there will be an appeal to Her Majesty's Government to bring the power of the Imperial Parliament to bear upon the question.

I believe the view of a large portion of the Colonists is expressed in the inclosed draft of a petition* which has been just put into my hands under the idea that it would be passed at a public meeting which was to be held to-night, but which will not now take place in consequence of its becoming known that it was not in my power to forward the Address of the Council by the present mail.

I have, &c.

(Signed) C. H. DARLING.

No. 14.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received December 23.)

(No. 127.)

(Answered No. 11, January 26, 1866, page 104.)

Sir,

Government House, Melbourne, October 20, 1865.

I HAVE the honour to forward herewith an address from the Legislative Council of Victoria to Her Majesty the Queen, representing "that the laws of this Colony have in a measure been dispensed with,—the Constitution superseded, and Her Majesty's authority disregarded, if not abused."

2. This Address is the document to which I have referred in the 32nd paragraph of my despatch No. 116* of the 22nd ultimo. In support of the allegations which it sets forth, it professes to give an accurate statement of the transactions between the Legislative Assembly and the Council in relation to the Bill, combining the usual Appropriation Bill with a revised Tariff of Customs Duties, which has been sent up to the Council, and is still in their possession; to narrate correctly certain proceedings on my part connected with those transactions; and the tenor of my communications on the subject with the Assembly and Council; and then, as legitimate deductions from these statements and proceedings, it accuses me as Her Majesty's Representative,—

1st. With having permitted the continued publication of a notice to the effect that the payment of certain salaries, wages, and contingencies, must be delayed until the necessary authority for the expenditure shall have been obtained.

2ndly. With subsequently assenting to a scheme which the Address purports to explain; and characterizes as "not only collusive, but unconstitutional, if not revolutionary," by which such payments were made. And—

3rdly. With permitting the collection of pretended Customs duties, after a decision of the Supreme Court that such duties were illegal.

3. It will, I believe, be the most convenient mode of dealing with this indictment, in the first place to reply separately to the three distinct charges which it alleges, in so far as they involve any action on my part; in the next place, to point out the inaccuracies, whether by way of omission or otherwise, in the statements of the Council, made with a view to establish indirect accusations against me of improper conduct in my position as Her Majesty's Representative; and lastly, to offer such observations as may serve to show how far these conclusions are just, and to illustrate the real object the Council have in view in thus impeaching my conduct with such apparent solemnity and formality.

4. With regard to the first accusation, I beg to state that the notice respecting the discontinuance of payments was a Departmental Notice issued by the Treasurer; that it was issued on the 29th July, four days after the resolutions adopted by the Council and the Assembly respectively, which I transmitted with my confidential despatch of the 27th July last,† and which seemed to leave no doubt that, for some time at least, the public revenue would not be available under the circumstances which I have pointed out in previous despatches, for the payment of the liabilities of Government; that its object was to give timely notice to the civil servants and public creditors that there would be delay in the satisfaction of their claims, in order that they might make their private arrangements accordingly, and that having answered its purpose, the order to withdraw it was given by the Treasurer in the usual manner upon the 15th August.

5. The first transaction with the London Chartered Bank designated by the Council "a scheme" took place upon the 6th September following, and it is therefore absolutely untrue that the publication of the notice was continued, as alleged by the Council, after the arrangement by which payments were made was carried into effect. It was in fact discontinued long before that arrangement was even initiated.

6. Before issuing the notice, the Treasurer and the Chief Secretary submitted to me the necessity of taking that step, to which I gave my assent, having first fully ascertained from them and considered all the circumstances attending the position of affairs in the Legislature. In order to avoid as much as possible, an appearance of the Executive Government taking part in the contest between the two Houses, I particularly qualified my assent by enjoining that the notice should not proceed from the Government, but be issued strictly by the Treasurer as a

necessary consequence of the state of affairs in his Department. I found that this injunction was in accordance with the views of my Ministers, and with the action which they propose to take.

7. Until I saw the accusation in the Council's Address, I was not aware whether the notice had been withdrawn or not, and I am really at a loss to understand in what consists the gravamen of a charge which, if it were true, would amount to nothing more than that a notice of the Treasurer's Department, which might have well been issued by the Treasurer upon his own responsibility, and in respect to which the Council cannot know whether it had my approval or not, was allowed to remain in the official Gazette after it had become in effect a dead letter.

8. As respects the second charge, I need only in addition to what I have already stated, request permission to refer to the full explanation which is afforded by my despatch No. 116* of the 22nd ultimo, and which may be briefly summed up as follows, viz. :—

9. The usual appropriation clauses for covering the expenditure of the year, not otherwise provided for by law, and clauses applying the amount necessary to meet that expenditure for the remainder of the year, having been passed by the Assembly in the month of July and sent to the Council in a Bill uniting those clauses with others, revising the Tariff of Customs duties, that body declared their readiness to concur in the proposed expenditure and supply (namely, the ordinary Appropriation Bill), but demurred to pass the Bill sent up to them, because of the objectionable form in which it was framed. Instead, however, of rejecting it by any of the modes usual for that purpose, the Council adopted the exceptional course of laying it aside.

10. The Council and Assembly had, moreover, concurred in passing Bills applying the necessary means for meeting the expenditure up to the end of June. It was, nevertheless, impossible for the Executive Government further to touch the public revenue in default of the Bill impounded by the Council, because of the peculiar power which the law of the Colony has given to the Commissioners of Audit.

11. In this emergency, the Government upon their constitutional responsibility, and supported by the expressed desire of the Assembly, that the pecuniary obligations of the Government should be satisfied and the public establishments be maintained, borrowed the money necessary for the purpose of meeting their inevitable liabilities, and thus preventing most disastrous consequences to the country, and have been enabled promptly to repay the loans they have contracted from the fortunate circumstance that the Commissioners of Audit interpose no difficulty as to the appropriation of the revenue to satisfy a just debt against the Crown, after it has been proved or confessed before the Supreme Court, although they consider that the peculiar provisions of the law to which I have referred prevent them from concurring in a like appropriation for the payment of a debt equally just and undoubted simply on demand.

12. Having in a previous despatch expressed my belief that as regards the salaries of most of the Civil servants they are already sufficiently provided for by a permanent law, and are, therefore, independent of further legislative sanction, I now beg to inclose a copy of an opinion of the Crown Law Officers fully confirming that view, together with a copy of my Memorandum directing the attention of those officers to the question.

13. No injury whatever has accrued to any member of the community from the course adopted; and although it may appear to the Council that a slight has been put upon their Legislative authority, that slight, if any, amounts only to this, viz., that in a financial emergency the Government have anticipated a formal concurrence of the Council, which that Body has expressed its readiness to give when it shall be requested by the Assembly, in a manner consistent with what the Council deem due to their privileges.

14. This proceeding it will be observed stands quite apart from the pressure intended to be put upon the Council by the Assembly in combining the Tariff and Appropriation Bill, for whereas that pressure was based upon the assumed necessity of an Appropriation Bill, the course taken by the Government of which the Council now complains has demonstrated that no such necessity exists.

15. The coercion intended by the Assembly having thus failed, it is difficult to understand how the Council, simply for the sake of a further triumph, can with any regard to their public responsibilities desire to see the Colony plunged into the

confusion and difficulty which the suspension of payments would occasion, and I may here refer to the accompanying Memorandum from the Treasurer to show that those payments are limited, in accordance with the order of the Governor in Council, to those services which constitute liabilities of the Government.

16. Nor did the Assembly, as it would appear, contemplate pushing the pressure upon the Council to such an extremity as to affect injuriously the credit of the Government and the efficiency of the public service; since, when they found these consequences likely to result from the determination of the Council neither to pass nor reject the Bill they distinctly gave me to understand that I should receive their support to measures by which these consequences might be averted.

17. The thanks of that Body for the particular measure adopted have since been offered in an Address presented to me by the Speaker and the whole House, a copy of which, together with a copy of my reply, I have the honour to inclose.

18. It may serve to show how merely formal in its nature is the concurrence of the Council in Bills of Supply and Appropriation, and how insignificant, therefore, the alleged disregard of their Legislative rights, if I inclose copies of the Supply Bills already passed this year and a Report of the proceedings in Council attending the passage of the first of those Bills on the 26th January last.*

19. When concurring in these measures the Council have no *ex officio* information as to the expenditure for which they provide. They would no doubt have passed similar Bills in the same way providing for further expenditure if the business of the session had not drawn towards a close, and the supply for the remainder of the year been included as usual in the Appropriation Bill.

20. You will be enabled to judge, from the explanations I have now offered and the previous despatches I have referred to, how far the transactions with the London Chartered Bank of Australia, which are correctly described in the 17th and 18th paragraphs of the Council's Address, are either unconstitutional or revolutionary.

To be "collusive" they must have been concerted with an intent to defraud. Such an intention cannot be assumed for a moment in respect to the public creditor, and if it is the purpose of the Council to allege that the so-called scheme was concocted between me and my Ministers with the object not of satisfying the public creditor but simply of defrauding the Council of their right to reject or pass the Appropriation Bill, or of any other legislative right, I can only meet such an allegation by an explicit assertion of its total want of foundation in truth.

21. With respect to the third charge, that of allowing pretended Customs' duties to be collected, it would probably be a sufficient reply to state that from the day on which the duties referred to were first collected to the present moment not a single representation has been made upon the subject to the Governor or to the Governor in Council. The interference of the Governor has in fact neither been required nor invoked. The duties under the new Tariff have been collected by the proper authorities, under the Resolutions of the Assembly, in accordance with the principle adopted in the Mother-country, and in every Colony with the conduct of whose public affairs I have any acquaintance.

22. The same course was pursued in this Colony in the year 1862, when the Act No. 144† was passed.

23. Duties were collected for a period of five months under the Resolutions of the Assembly, and retrospectively legalized by the Act in question. In the present instance the new duties had been in operation about the same period, when the Council laid aside the Bill embracing them.

24. This proceeding, I perceive, is described in the 22nd paragraph of the Council's Address to Her Majesty as "the loss of the Bill." Upon this point I need only observe that it is not so regarded by the Assembly, by my Advisers as a body, or by the Law Officers of the Crown; that such an assertion appears entirely inconsistent not only with all that is laid down by the Authorities on the Law and Practice of Parliament (see "May," edition of 1863, pp. 292, 293), but also with the fact that at the present moment there is a motion pending in the Council which has for its ultimate object a Conference between the two Houses upon the subject matter of the laid aside Bill, and that I can hardly suppose the Council would have addressed me in the terms of their communication (inclosed in my despatch No. 115‡ of 18th September) in reply to my first Message, if they had at that time considered that the Bill was finally lost in their House.

25. With respect to the allegation in the 23rd clause of the Council's Address,

* Not printed.

† To amend the Laws relating to the Customs, June 18, 1862.

‡ Page 10.

that the Supreme Court has decided that the collection of the new duties is not warranted by law, I would only remark, that as I have just shown, it has never been pretended that they were collected under such authority. Usage and precedent gradually established throughout the Empire, and, I believe, with the full concurrence of the mercantile communities to whose benefit upon the whole, as preventing unfair speculation, that usage and precedent undoubtedly operate, constitute the grounds under which the duties have been, and continue to be, collected under the authority of the resolutions of the Assembly alone. For the exact bearing upon the case of the judicial decisions alluded to, I beg leave to refer to the inclosed report from the Attorney-General, which has just been put into my hands.

26. I will now beg permission to advert to some of the statements in the Council's Address which appear to require notice or correction.

27. The fourth paragraph is designed to throw upon the Ministry the onus of combining the Tariff Clauses with the Appropriation Bill. This is, I apprehend, a view altogether inconsistent with a proper estimate of the position of the Assembly. The Council well knew that the so-called intention of the Government was, in truth, the intention of the Assembly; and that if the Bill should ever reach them in the form they apprehended, it could only be regarded as the Act of that body.

28. I have already had the honour to forward the Report of the Committee on Precedents referred to in the 6th paragraph of the Council's Address; and I have shown, notwithstanding the resolutions adopted by the Council and recited in that paragraph, that in the principal Revenue Bills passed in the years 1862, 1863, and 1864, clauses of supply and clauses of appropriation are united.

29. I have now to point out that, even since those resolutions were adopted, the Council have passed two Bills, transcripts of which I have transmitted by this mail, in both of which the moneys raised by means of dues, charges, fees, &c., are carried to the Consolidated Revenue, and appropriations are also made from that revenue. These Acts are—No. 277, to amend the Post Office Law, sections 31 and 32; and No. 285, to make provision for a Mint, sections 1 and 2.

30. Without, therefore, impugning the undoubted right of the Council to reject the Tariff and Appropriation Bill, I do not see how they can base that rejection merely upon the principle affirmed by the resolutions in question, or by the amendment quoted in the 8th paragraph of their Address.

31. The resolutions of the Assembly cited in the 9th paragraph are founded upon the Resolutions of the House of Commons in the case of the Paper Duties Repeal Bill.

32. With reference to the 13th paragraph, it is important to bear in mind that it was only to the difficulty of paying money out of the "Public Account," viz., out of the revenue deposited in the Melbourne Banks, and to the well-known views of the Audit Commissioners as to the necessity of a Bill of Supply for that purpose, that I referred in my Message to the Assembly, and not to any constitutional principle which could be supposed to forbid the application of the public revenue to the purposes for which it was raised.

33. The Council, moreover, have omitted to notice in this paragraph, that in the Message referred to I urged upon the Assembly, as well as upon themselves, the necessity of taking steps for restoring intercourse between the two Houses.

34. The 15th paragraph professes to be a statement of the Address of the Council to me, in reply to my Message, but I have to observe that it altogether omits those passages of the Address in one of which the Council, regardless as I think of the respect due to the Representative of the Crown, intimated their expectation that I would not "become a party to any arrangement, by whomsoever proposed, which, though it may not violate the letter of any positive enactment, is opposed to its spirit and obvious intention;" and in the other, after having called my attention to a despatch addressed to the Governor of Jamaica in 1849, they advise me that it would have been my duty to refuse assent to the Bill they had impounded, if it had ever reached me.

35. It was these two passages, and these alone, which rendered necessary the second Message sent by me to the Council upon the 5th September last. The Council also have avoided noticing the fact that in the Address in question, they again gave prominence to their resolution, asserting their right to co-ordinate power with the Assembly in regard to the export duty on gold.

36. The 16th paragraph gives a very garbled and imperfect version of my second Message to the Council. It unites a passage in that Message, in which I replied to their expressed expectation as to the arrangements I might make for

paying the public creditor, with another passage from which it is in the Message entirely separated, and wherein adverting to the view taken by the Council, as stated in their Address, of the existing difficulty between themselves and the Assembly, I observed that I understood that, on the other hand, the Assembly were contending for a fundamental principle of the Constitution, which they conceived to be endangered, and expressed my regret that in such a controversy I could not effectually interpose.

37. The paragraph in the Council's Address would induce the impression that the arrangement made for paying salaries was somehow connected with the action of the Assembly, and thus lead to the inference that I was co-operating with that body in their contest for the maintenance of what they regarded as a fundamental principle of the Constitution. I may add, that it was explained to the Council, by a member occasionally representing the Government in that House, that by the "fundamental principle" which I understand the Assembly to be contending for, I did not mean the right to combine Appropriation and Supply, but the more general right, practically to control and regulate the taxation of the people.

38. In the 17th and following paragraphs the Council have fallen altogether into error, when they assert that "the temporary and provisional arrangements" to which I referred in my second Message to them included the repayment of the loans from the bank by means of the Crown Debts Act. I have already shown in my despatch No. 116* that this mode of repaying the bank, which without repayment in some shape could not single-handed have undertaken to supply the funds required, was not under my personal consideration, nor was a decision as to its feasibility arrived at until the 7th of September, whereas my Message delivered to the Council on the 5th, when they met after adjournment, was actually prepared on the 2nd of that month, at which time I was aware that one bank had consented to make loans, and, as I was informed, hope was still entertained that others would come into the arrangement.

39. It was, in fact, competent to the Governor in Council under the 15th clause of the Audit Act to have directed that the whole of the revenue should be paid into the London Chartered Bank of Australia, and thus have met the condition upon which that bank expressed its readiness to grant a cash credit, viz., "that the cash credit should be equal in amount to the balance from time to time of the public account" in their hands; but this course, which would obviously have relieved the Government from all embarrassment, would only have been resorted to in the last extremity, because there was good reason for apprehending that a sudden withdrawal from the other five banks, of the advantages they were enjoying as the depositaries of the public revenue, would, in the case of more than one of these institutions, have produced serious results in the disturbance of monetary arrangements connected with trade, and injury to individual pecuniary interests. Recourse was therefore had, instead, to that system of repayment through the medium of the Crown Debts Act which the Legislative Council have denounced in such unmeasured terms.

40. I have read the opinions (or such of them as have appeared in the Melbourne newspapers) upon which the non-accommodating banks declared that they could not legally make loans to the Government, whose funds are deposited with them at a low, and employed by them at a very high rate of interest.

Those opinions appear to me to relate rather to the question whether the security which could be offered would be binding and effectual in law than to the legality or illegality of making the loan itself.

41. Satisfied with the advice of the Responsible Law Officers of the Crown, I have never given to those opinions more than the most cursory perusal, until the present moment; but having now read them more carefully, it is impossible not to perceive, that in more than one point they evince an extraordinary disregard of the clear provisions of the law and the principles of Constitutional Government: for example—upon the question being put by one of the banks, whether a judgment by default for the amount at debit of a cash credit could not be set aside by a so-called Government "subsequent" to that with whose advice and concurrence the credit was taken, the opinion given was to the effect that the Governor in Council having no power to contract a debt, such a judgment would not be a valid security; that the Queen did not contract the debt directly, but through the medium of her quasi Agents; and if those agents exceed their authority, the Queen would not be bound by their act.

42. This opinion proceeded from two barristers who had both been Crown Law Officers, and was supported in effect by a third, who had occupied the same position ; but it is, nevertheless, to my apprehension, unsound, for two palpable reasons : the first, that it altogether ignores the last section of the claims against the Crown Act (No. 241), which declares that claims founded on and arising out of some contract entered into on behalf of Her Majesty's Local Government are within the operation of the Act ; and the second, that it evidently regards the Responsible Ministers, for the time being, as constituting the Government, instead of the Representative of the Crown advised by those Ministers, or acting without their advice, if such advice should involve a violation of his duty, or a breach of faith in regard to the public engagements made on behalf of the Crown with his sanction and concurrence.

43. Having now replied to the accusations of the Council, both direct and indirect, and pointed out the erroneous statements in their Address, it remains for me to advert to what I have reason to believe to be the real object the Council have in view in the proceeding they have adopted.

44. To prefer specific charges against me, so frivolous and so easily refuted, could hardly have been their only purpose. Accordingly, the debate on the Address to Her Majesty, and the language of the supporters of the Council generally and through the medium of the Press, leaves no doubt that they hope to induce Her Majesty to pass a severe censure upon my conduct, if not to recall me from the high office I have the honour to hold as her Representative in this Colony.

45. They are so fatuous as to believe this object can be effected by the representations of Members of Parliament and persons of supposed influence in England who are connected with the Colony. The names of some of these gentlemen have been openly mentioned ; but it is neither necessary nor desirable that I should introduce them into this despatch.

46. The majority of the Council, or I should rather perhaps say the small section who appear to lead the majority, are incensed with me, because I have not attempted to solve the existing difficulty by taking the unusual step of dismissing my Ministers—an object I have strong reason to believe that section desire to accomplish ; or the still less warrantable proceeding, under the circumstances, of appealing to the country.

47. In the face of the large majority by which the Ministry are supported in an Assembly convened immediately after a general election, it is impossible that the Council, with any observance of Constitutional propriety, can openly urge either of these courses, or complain that it has not been adopted.

48. A more indirect course has therefore become necessary ; and in pursuance of that course, representations assuming to be founded upon the narrative which the Council's Address to Her Majesty contains may probably be made to Her Majesty's Government, to the effect that I have conspired with my Ministers and the Assembly to deprive the Council of their Legislative rights—first, by agreeing to support the proceedings of the Assembly in regard to the Tariff ; and secondly, by concerting with the Ministry the arrangement with the Bank by which the injurious consequences that might have resulted from the delay in passing the Appropriation Bill have been averted.

49. Pausing for a moment to ask what possible object I could have in invading the rights and privileges of the Council, or in bringing about the existing state of affairs in the Legislature of my Government, it will be requisite to add but a few words to what I have already written in this and previous despatches, in order to dispose effectually of such charges should they be advanced.

50. I have indeed, for that purpose, only to request your reference to the despatches noted in the margin,* which I have addressed to you from time to time, and which show that although the proceedings which form the subject of this communication did not, with one or two exceptions, constitute transactions of my Government which it was my duty to report officially, I have kept you regularly informed of all that is important in regard to them.

51. It will appear from these despatches that before the present Parliament was assembled I expressed to you my conviction that, as a result of the opinions and pledges made public at the hustings, a revision of the Tariff was inevitable. Subsequently I put you in possession of the measure introduced and of the statement made by the Government as to the principles upon which that revision is based.

* No. 110, November 21, 1864, page 1 ; January 25, 1865, page 2 ; February 23, 1865, page 2 ; March 25, 1865, page 2 ; July 25, 1865, page 3 ; July 27, 1865, page 3.

52. I apprised you of the passage of the Tariff through the Assembly, and of the consequent formation of the Free Trade League; and the efforts of sections of the mercantile community to induce the Council to reject the Tariff.

53. I acquainted you with the avowed intention of the Assembly to unite the Tariff with the Appropriation Bill, mentioning that the proposed combination was considered to be justified by the precedent of the Paper Duties Repeal Bill; and adding that this was done with the object of deterring the Council from rejecting the Tariff, but that I had had no communication whatever from my Ministry upon the subject.

54. Finally, when the conflict between the two Chambers had reached its climax, I transmitted to you on the 27th of July copies of the Resolutions adopted by each, expressing my belief that the Council would not give way before the Resolution of the Assembly, and my fear that "the two Houses are now in a state of antagonism of which it is very difficult to foresee the result, and which will probably lead to much perplexity and embarrassment."

55. It was not until the 29th of July (two days afterwards) that the Chief Secretary and the Treasurer waited upon me at Government House (to which I had been confined for a short time by indisposition), and represented to me, on the part of the Cabinet, the position of the financial and legislative affairs of the Colony.

56. It was on that occasion that I sanctioned the issue of the notice intimating that payments from the Treasury would be delayed, in respect to which I here beg to inclose a detailed statement from Mr. Verdon, the Treasurer, of which I was not in possession when I wrote the earlier part of this despatch.

57. A month was then suffered to elapse, during which I made fruitless attempts, as already reported, to restore communication between the Council and Assembly, before there were set on foot those efforts to enable the Government to meet their liabilities which resulted in the existing arrangement with the London Chartered Bank.

58. When I add that it is not the custom to consult the Governor in respect to measures about to be proposed to the Legislature, which relate only to the domestic affairs of the Colony (an habitual reticence which has been brought to the notice of Her Majesty's Government both by my predecessor and myself), and repeat what I have observed in a previous despatch, that I could not constitutionally interfere in any measure actually before Parliament, I have said all that I think can be necessary to enable Her Majesty's Government to judge how far the impeachment of my public conduct upon which the Legislative Council of this Colony have ventured, is justified by facts, and redounds to the credit or honour of my accusers.

59. It is due to my Responsible Advisers to add, that when the Chief Secretary and Treasurer waited upon me on the 29th July, and laid before me the position of public affairs, they stated to me distinctly, on the part of their colleagues and themselves, that although looking to the large majority in the Assembly who gave them their confidence, and with whose views they concurred in regard to the questions out of which the difference between the two Chambers had arisen, constitutional principles did not require that they should tender the resignation of their offices, yet that they were perfectly ready to take that course, if I believed that it would in any degree conduce to a satisfactory solution of the existing difficulty.

60. I apprised those gentlemen in reply, that I appreciated the spirit in which their communication was made, and should not fail to deal as frankly with them and their colleagues if, in my opinion, their resignation should, in any future state of the entanglement, appear expedient.

61. The unequivocal expression of confidence in the Ministry personally, and of satisfaction with their general policy, which the Address of the Legislative Council to Her Majesty has since evoked in all parts of the Colony, except from those sections of the community to whose immediate personal interests that policy does not minister, clearly demonstrates that I should have taken an unfortunate step if I had accepted their offer to resign, and justifies the opinion which I then formed and acted upon, that any attempt to organize a new Ministry would not only have failed, but would have directly tended to protract and embitter the contest between the two Houses.

I have, &c.
(Signed) C. H. DARLING.

Inclosure 1 in No. 14.

Address of the Legislative Council of Victoria to Her Majesty.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, humbly beg to approach your Majesty with expressions of our attachment to your Majesty's throne and person, and of our desire that your Majesty's constitutional authority in this colony may be upheld.

2. We most humbly desire to bring under your Majesty's gracious attention the fact that the laws of this Colony have in a measure been dispensed with, the Constitution superseded, and your Majesty's authority disregarded, if not abused.

3. In the month of February 1865, resolutions for altering existing duties of Customs, and for imposing new duties, were reported and agreed to by the Legislative Assembly.

4. In consequence of a statement made by the Chief Secretary in the Legislative Assembly, the Commissioner of Public Works (who was then a Member of this House), was on the 23rd day of March, 1865, in his place in the House asked whether it was the intention of the Government to introduce the New Tariff Clauses into the annual Appropriation Bill, and in reply to such inquiry he stated that "it was the then intention of the Government to do so."

5. Upon such answer being given, this House appointed a Select Committee to search for precedents on the subject of the tacking of Bills, and also on the subject of dealing with Bills of Supply and Tax, and Bills of Appropriation, and to report thereon.

6. The Committee brought up their Report on the 4th day of May, 1865; and in order that full and ample notice might be given to the Government of the impolicy of the course they propose to adopt, this House forthwith and without a division resolved;—

(1.) That this House will insist upon adhering to the practice and usage of the Imperial Parliament in regard to the matters which, according to such practice and usage, may be comprised in one Bill.

(2.) That it is contrary to such usage and practice to introduce any clause or clauses of Appropriation or other foreign matter into a Bill of Aid or Supply.

(3.) That it is contrary to such usage and practice to introduce any clause or clauses of Aid or Supply or other foreign matter into a Bill of Appropriation.

7. After and notwithstanding those resolutions, the annexed Bill was, in the month of July, 1865, transmitted by the Legislative Assembly to this House for its concurrence, and until that day no Bill for imposing the new or altering the existing duties of Customs was so transmitted.

8. On the question being put in this House (which consists of thirty members, of whom four were absent, and the President cannot vote), That the Bill be read a second time, an amendment was carried by a majority of 20 to 5—

"That as, by the thirty-fourth section of the Constitution Act, the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by both the said Council and Assembly, and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause of Appropriation should be introduced into a Bill of Supply; and as this Bill of Supply contains a clause appropriating the supplies granted during the present session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the waste lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside."

9. Shortly after the foregoing amendment was carried, the following resolutions were, on the motion of the Chief Secretary, agreed to by the Legislative Assembly:—

(1.) That the right of granting aids and supplies to the Crown is in the Legislative Assembly alone.

(2.) That the power conferred by the Constitution Act on the Legislative Council to reject Bills for appropriating the revenue, and Bills for imposing any duty, rate, tax, rent, return, or impost, is justly regarded by this House with peculiar jealousy, as affecting the right of the Legislative Assembly to grant and

appropriate supplies, and to provide the ways and means for the service of the year.

(3.) That to guard against an undue exercise of that power by the Legislative Council, and to secure to the Legislative Assembly its rightful control over taxation and supply, this House has in its own hands the power so to impose and remit taxes, and to frame Bills of Supply, that the right of the Legislative Assembly as to the matter, manner, measure, and time, may be maintained inviolate.

(4.) That this House has learned with regret that a Bill passed by the Legislative Assembly for the Supply and Appropriation of Revenue, which was framed in accordance with the rules, forms, and usages of the Imperial Parliament, and with the view of securing to the Legislative Assembly its rightful control over taxation and supply, has been laid aside by the Legislative Council, and that the Legislative Council has refused to consider the subject-matters of such Bill until the same shall be comprised in separate measures; that such refusal evinces a disregard of the rights and privileges of the Legislative Assembly; and that this House hereby declares its determination not to entertain any further or other Bill for the appropriation of supplies for the service of the year 1865 until the rightful control of this House over taxation and supply shall have been acknowledged by the adoption by the Legislative Council of the Tariff approved of by this House, and contained in a schedule to the said first-mentioned Bill.

10. Immediately after such resolutions were passed, a notice, under the hand of the Treasurer, was published in the "Government Gazette," and in the daily newspapers, "That the amount legally available on account of moneys voted by the Legislative Assembly for the public service of the year being insufficient, payment of salaries, wages and contingencies must be delayed until the necessary authority for the expenditure should have been obtained."

11. Subsequently to the publication of the before-mentioned notice, the Governor communicated to this House an Address which he had received from the Legislative Assembly, together with his Excellency's Message in reply to such Address, and at the same time transmitted to this House a Message to the Legislative Council.

12. The Legislative Assembly, in their Address, acquainted his Excellency that in consequence of the laying aside by the Legislative Council, without Message or communication to the Legislative Assembly, of the Bill of Supply and Appropriation passed by the Legislative Assembly, the salaries of the Civil servants for the month of July had not yet been paid, and other obligations were undischarged; and prayed his Excellency to cause such measures to be adopted as should, in the opinion of his Excellency's Responsible Advisers, be expedient or necessary for satisfying the liabilities aforesaid and for maintaining the efficiency of the public service.

13. The Governor's Message, in reply to that Address, stated that the Governor had never failed to give respectful attention to the opinions and advice of his Responsible Ministers; and that he desired to assure the Legislative Assembly that he was prepared to take into his earnest consideration any measures his Ministers might recommend, whereby, in the exercise of his legal and constitutional powers, it might seem possible to alleviate the existing pressure upon the Civil servants and the public creditor, resulting from the delay which had occurred in the passing of the "Annual Appropriation Bill." But the Governor begged to remind the Assembly that so long as the 44th and 55th sections of the Constitution Act, and the 24th and 25th sections of the Act 22 Vict., No 86 ("Audit Act Amendment") remained in force, it was not competent to him to sanction the issue of money from the public Account, either for the payment of the salaries of Civil servants or for any other object, unless the amount required was rendered "legally available" by an Act duly concurred in and passed by the three branches of the Legislature.

14. The Governor's Message to the Legislative Council stated that it was the Governor's earnest desire to aid, by all possible means within the scope of his duty and legitimate authority, in accomplishing the objects which the Address of the Assembly had in view; and the Governor trusted that the Legislative Council would recognize, in the reference made by the Assembly to a resolution of the Council, and in the exceptional and embarrassing position of affairs in the Legislature, a sufficient reason for the expression to the Council of the Governor's hope that active legislation in regard to the finance of the Colony might be promptly resumed.

15. In an Address in answer to the last-mentioned Message, this House, while

pointing out the novelty of such a Message, thanked his Excellency for his announcement that "he would not sanction the issue of money from the public account unless the amount required was rendered 'legally available' by an Act duly concurred in and passed by the three branches of the Legislature;" and concurred in the "hope that active legislation in regard to the finance of the Colony might be promptly resumed." We also acquainted his Excellency that "the exceptional and embarrassing position of affairs in the Legislature" had been occasioned by a departure from the ordinary usages of Parliament with regard to the annual Appropriation Bill. We recalled to his Excellency's memory a despatch dated 16th April, 1849, from your Majesty's then Principal Secretary of State for the Colonies, to his Excellency's predecessor in the Government of Jamaica, in which the former stated that "the regular and constitutional practice of keeping Revenue and Appropriation Bills separate from each other was fully established in the United Kingdom," and we informed his Excellency that it had been the invariable practice in this Colony to keep Revenue and Appropriation Bills separate from each other, and that even had it been otherwise, the Constitution Act, which requires the "rules, forms, and usages" of the Imperial Parliament to be followed so far as the same are applicable to the proceedings of the two Houses, imperatively required that we should refuse to entertain a Bill introduced in violation of them, and we acquainted his Excellency with the nature and contents of the annexed Bill, and informed him that we were and always had been ready and desirous to agree to a Bill for appropriating the supplies in the usual and accustomed manner; we likewise informed his Excellency that we gathered from the Address of the Legislative Assembly that that House considered itself placed in a difficulty by reason of this House having laid aside the Bill without message or communication to the Assembly; and we pointed out that, when either House disposed of a Bill, either by negating the motion for its being read or by postponing the second or third reading for six months, it was not the practice to send any message or communication to the other House, and that therefore we had not omitted any usual step; we also reminded his Excellency that, when either House desired to be informed of the mode in which the other House had dealt with any Bill transmitted to it, the practice was to cause a search to be made in the journals of the latter "to see what proceedings had taken place respecting the Bill."

16. In reply to the last-mentioned Address, the Governor acquainted the Council that, without violating either the letter or spirit of the laws, he had, with the advice and concurrence of his Responsible Ministers, succeeded in making temporary and provisional arrangements for meeting the inevitable pecuniary liabilities of the Government in the present emergency, and he stated that he understood the view of the Assembly to be that they were, in effect, contending for a fundamental principle of the Constitution.

17. The "temporary and provisional arrangements" referred to consist of a series of loans from time to time effected by the Governor and Executive Council (without the authority of the Legislature) from the London Chartered Bank of Australia, after the other banks in which the public account is kept—the Banks of Australasia, New South Wales, and Victoria, the Union Bank of Australia, and the Colonial Bank of Australasia—had declined to advance money, on the ground that such a loan was illegal.

18. For the purpose of repaying to the London Chartered Bank of Australia their advances, judgment by confession is given to that bank as soon as each advance has been made, and a corresponding amount (with costs of suit added) is forthwith taken under the Governor's warrant from the consolidated revenue and applied to the satisfaction of the judgment.

19. By the law of this Colony judgments against your Majesty may be satisfied out of the consolidated revenue, without any specific appropriation.

20. There is no Act in force in this Colony empowering the Governor, either alone or with the advice of the Executive Council, to borrow money without the sanction of the Legislature.

21. The confession of judgment for debts incurred without the authority of the Legislature, and for the purpose of applying the consolidated revenue without the concurrence of this House, appears to us to be not only collusive but unconstitutional, if not revolutionary.

22. In addition to the grievances to which we have already referred, we have to bring under your Majesty's notice the fact that, after and notwithstanding the loss of the annexed Bill, the duties of Customs thereby proposed to be imposed have

been levied not only without the authority of the Legislature, but without any attempt to pass a Bill for legalizing their collection, and a period of about seven months has now elapsed since such duties were first collected by the Executive, without any lawful warrant.

23. Several suits in the Supreme Court have been instituted for recovering back the duties thus levied upon imports, and that Court has decided that their collection was not warranted by law; but nevertheless the Governor still allows the pretended duties to be collected as if no such judgment had been pronounced.

24. We would submit for your Majesty's consideration, whether the Governor was justified in permitting the continued publication of the notice that "the payment of salaries, wages, and contingencies must be delayed," and in subsequently assenting to a scheme by which, through the judgments above referred to, such payments were made; and whether, after the decision of the Supreme Court in regard to the illegality of the pretended Customs duties, the further collection of them should have been permitted.

We therefore pray your Majesty to take the premises into your Majesty's most gracious consideration, and to adopt such measures as to your Majesty may seem fit for maintaining in this Colony the Constitution as by law established.

Inclosure 2 in No. 14.

Memorandum for the Attorney-General.

I SHALL be much obliged by the Attorney-General's favouring me with his views upon the following points:—

1. Is not the 45th section of the Constitution Act in effect an appropriation of the amount of "all the costs, charges, and expenses incident to the collection, management, and receipt of the revenue," such expenditure to be reviewed and audited as directed by the Legislature?

It appears to me that the only difference in effect between the 45th and 46th clauses is, that the latter provides for charges whose maximum is known, and therefore fixes a limit to the amount to be issued; the former provides for charges necessarily fluctuating in amount, and the sum therefore cannot be specified or even limited by stating a maximum.

Is there any practical or legal difference between the words "the Consolidated Revenue of Victoria shall be permanently charged," and the words "there shall be payable in every year out of the Consolidated Revenue of Victoria"? I can hardly think the Audit Commissioners would question the sufficiency of this appropriation (to say nothing of the fact that the items have passed the Assembly); and if so every officer and servant in any degree charged with the collection and management of any item of the revenue, in its various branches, can be paid in the ordinary way.

2. It is stated in the Preamble of the Civil Service Act that its object is to classify the Civil Service, and regulate the salaries, &c. By its sixth clause it is enacted that every class shall have a salary the maximum and minimum of which is defined, and in the case of certain specified officers is definitely fixed (section 50); compensation for loss of office is provided, and superannuation for length of service, together with gratuities to officers retiring with the sanction of the Government on account of ill health.

If this law does not give to every officer in the Civil Service who comes within its operation a valid and indisputable claim against the Government for his salary, up to the day on which it may be notified to him that he has ceased to be in its service, what is the practical or legal meaning of the terms "shall be entitled to" and "the salaries shall be"? and I particularly call attention to the 7th clause, which requires that the reductions, increases, and limits shall be adopted by the Legislative Assembly, and does not require the concurrence of the Legislative Council.

These limits, &c., have, I presume, all been adopted for the present year by the Assembly, and in that case it appears to me that the Civil Service Act renders claims against the Government based upon it as valid as those founded on the Constitution Act itself.

I bring these points under the Attorney-General's notice, because I think it

desirable to make all payments in the usual and more regular way, in all cases in which there is sufficient authority for the purpose.

(Signed) C. H. DARLING.

Government House, September 12, 1865.

P.S.—Are not the costs, charges, and expenses of collecting the revenue, payments which, under the 55th clause of the Constitution Act, are to be made before the consolidated revenue is made liable to other appropriations.

C. H. D.

Inclosure 3 in No. 14.

Opinion of the Law Officers.

Crown Law Offices, Melbourne. September 22, 1865.

WE are of opinion that the 45th section of the Constitution Act is, in effect, an appropriation of the amount of "all the costs, charges, and expenses incident to the collection, management, and receipt of the revenue;" "such expenditure to be reviewed and audited as directed by the Legislature." We are confirmed in this interpretation of the 45th section by the very plain and unambiguous language of the 55th section, which, referring amongst others, to the 45th section, runs thus: "after and subject to the payments to be made under the provisions hereinbefore contained" (not under the provisions of any Appropriation Act), "and to any pensions now payable, &c." All the consolidated revenue arising from taxes, duties, rates and imposts, levied by virtue of an Act of the Legislature, and from the disposal of the waste lands of the Crown, shall be subject to be appropriated to such specific purposes as by any Act of the said Legislature shall be provided on that behalf. Only after the payments to be made as above, and subject to such payments, can the consolidated revenue be appropriated to specific purposes by annual votes, and as the Appropriation Act can only be after the payments, it would be absurd to say it must previously authorise them.

It follows from the above, that no annual Appropriation Act would appear to be necessary for enabling the Government to pay the costs, charges, and expenses incident to the "collection, management, and receipt of the revenue," and these words, of course, cover all the expenditure of the Civil Service necessarily incurred in effecting the above purposes of "collecting, managing and receiving." This view of the law seems to be made still clearer by the words, "such expenditure to be reviewed and audited as directed by the Legislature." If the above-mentioned costs, charges, and expenses, were required to be part of, and being so required, were actually part of an annual Appropriation Act, *i.e.*, specifically appropriated, how could they be reviewed, or to what purpose reviewed? Audited they might be, but they could not be reviewed under any other Act, having been by the supposition, specifically, and finally, appropriated already.

Again, the annual and specific Appropriation Act contemplated and provided for by the 55th section, is to be after, and subject to, the payments above-mentioned.

In other words, these payments are made a permanent first charge on the revenue as distinct from and as independent of any annual Appropriation Act as are any of the pensions or other sums mentioned in the 46th clause of the Act; and this seems to be but reasonable, seeing that, as no revenue can be collected, managed, or received without cost, that cost naturally and necessarily takes precedence of all the other expenses of civil Government; and being actually indispensable to all Governments, ought to be, as it seems to be here, protected from the possible contingency of an Appropriation Act not being passed. In such contingency the Legislature has, in effect, said that the Government for the time being not only may, but must, pay the "costs, charges, and expenses of collecting, managing, and receiving the revenue" out of that revenue as it comes to hand, in order to enable the Government of the country to be carried on.

Again, as by the 55th section it is only "after and subject" to "such payments" that the consolidated revenue is "to be subject to be appropriated to such specific purposes as by any Act of the Legislature shall be provided;" no effect would be given to the above words "after and subject to," unless the payments referred to by those words were to be independent of specific appropriation, although to be reviewed, as well as audited, after expenditure, which is an operation reasonable

and proper in respect of sums which have not been previously specifically appropriated, but which operation of reviewing would be absurdly superfluous and unavailing in respect of sums previously specifically and finally appropriated by any annual Appropriation Act.

From a careful review of the 45th, 46th, and 55th clauses, it seems that the only necessary and proper subject matter for an annual Appropriation Act, is that which lies out of and beyond the "costs, charges, and expenses of collecting, managing, and receiving," &c., together with the other similarly classed matters, such as pensions, &c., referred to in the 46th clause.

We are further of opinion that the only difference between the 45th and 46th clauses is, that the latter refers to ascertained and unvarying sums, the former to uncertain and fluctuating sums. Where the maximum of payments is mentioned, as in the schedules to the Act, the commencing language of the 46th clause is appropriatory, viz. "There shall be payable in every year, &c., the several sums not exceeding," &c. The language also, "The consolidated revenue of Victoria shall be permanently charged," is an appropriate expression used for permanently appropriating charges, the definite amounts of which cannot, in their nature, be fixed by anticipation, and therefore, as a sort of equivalent for and instead of being deliberately inserted in an annual Appropriation Act, they are to be reviewed and audited after they are applied and expended.

It is not very easy either to comprehend or express the difference between the words "the consolidated revenue of Victoria shall be permanently charged," and the words "there shall be payable in every year out of the consolidated revenue of Victoria." Every year is, of course, each successive year; and successive years are continuity of time, and the word "permanently" here conveys the same idea, neither more nor less.

The provisions of the Civil Service Act seem to be consonant with the above interpretation. By the 6th, 7th, and 50th clauses of this Act, every officer is to have a salary which is to be fixed as therein provided, and when fixed, he "shall be entitled to" such salary and the reductions, increases and limits shall be "adopted by the Legislative Assembly."

And here it may be specially observed that the provisions of this Civil Service Act singularly strengthen the above presented view of the meaning of the words "the consolidated revenue of Victoria shall be permanently charged," &c. For if (as must be contended for any different interpretation) "the costs, charges, and expenses of collecting, managing, and receiving of the revenue" were required to be put into an annual Appropriation Act, then that Act, as it must go before the Council, could be legally rejected by the Council; in which case, what would become of the provision in the Civil Service Act which says officers shall "be entitled" to their salaries as fixed and defined?

We see no escape from this position; for as the Council, under the fifty-sixth section of the Constitution Act may legally reject an Appropriation Act, it is self-evident that when it rejects or neglects to pass an Appropriation Act providing for the payment of a salary, it affects to disallow, and as far as it can does disallow, the fixing and payment of that very salary which under the Civil Service Act any particular officer is entitled to.

On this latter point then, to recapitulate, salaries either must be or need not be contained in and sanctioned by an annual Appropriation Act. If they must be so contained, they may be legally rejected; and thus the provisions of the Civil Service Act are ignored and expressly violated by the Council—a conclusion which is absurd; and if, on the other hand, salaries need not be put in an Appropriation Act, the Government may pay them without the sanction of such an Act.

Thus, and only thus, will the words "the consolidated revenue of Victoria shall be permanently charged," be satisfied.

In conclusion we think that the above interpretation of the different enactments referred to, not only most reasonably consists with the language used in the various provisions, but is also most consonant with common sense, and with the probable intention of the Legislature.

It is indispensable to the preservation of every State that Government shall be carried on; but a thousand accidents may prevent the passing of an Appropriation Act. Wherefore, the expenses of preserving the State by the functions of Government seem to be at the disposal of the Government for the time being, subject to being reviewed and audited subsequently according to law.

The above opinion is independent of, and does not dispose of the question as to

whether moneys to the credit of the public account are legally available to satisfy votes of the Assembly prior to the passing of an Appropriation Act. We are of opinion that such moneys are "legally available," and they were always so treated until the Audit Commissioners, some time back, expressed an opinion that such votes should receive, before being acted upon, the sanction of the entire Legislature; since which opinion of the Commissioners, the practice has been (but unnecessarily as we think) to refrain from acting on these votes until an Appropriation Act confirming them was passed.

(Signed)

GEO. HIGINBOTHAM.
ARCHD. MICHIE.

Inclosure 4 in No. 14.

Memorandum.

THE following is a description of the services for which expenditure is now being made by means of the cash credit opened at the London Chartered Bank on account of Her Majesty's Local Government, viz. :—

Salaries and wages for the various Departments of Government, including Police, Gaols, Penal Establishments, Customs, Post Office, Railways, &c.

Contingencies for ditto, which include, with other items, provisions, forage, fuel and light, clothing and bedding for Penal Department and Lunatic Asylum, stores and stationery, travelling expenses, transport, clerical assistance, allowances to witnesses at the various Courts, remuneration to Coroners and surgeons for attending inquests and post-mortem examinations, allowances to volunteers, survey of land by contract, marine survey, conveyance of inland mails.

Other expenditure, such as pay of military, grants to charitable institutions, repairs to public buildings, furniture and fittings for ditto.

With a few exceptions of a most urgent character, no expenditure is being incurred on account of public works and roads and bridges.

E. S. S.

Treasury, September 15, 1865.

Submitted to his Excellency the Governor.

GEO. V

September 18, 1865.

Inclosure 5 in No. 14.

Address of the Legislative Council to Governor Sir C. Darling.

May it please your Excellency,

WE, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Assembly of Victoria, in Parliament assembled, beg respectfully—

1. To thank your Excellency for having, with the concurrence of your Responsible Advisers, so promptly taken the necessary measures for satisfying the public liabilities, and for maintaining the efficiency of the public service, and thus averting from the community the confusion and anarchy calculated to result from the withholding by the Legislative Council of its assent to the supply and appropriation for the year.

2. To assure your Excellency that this House will always be prepared to afford its fullest and most cordial support to your Excellency's Government in its efforts, by all such legitimate and constitutional measures as may, under existing circumstances, be necessary or expedient to preserve and maintain order and good government in the Colony.

3. To inform your Excellency that this House deeply regrets that the Legislative Council has not as yet taken any steps with the view of realizing the hope expressed to it by your Excellency, that active legislation in regard to the finance of the Colony may be promptly resumed.

(Signed)

FRANCIS MURPHY, *Speaker.*

Inclosure 6 in No. 14.

Message from the Governor.

Mr. Speaker and Gentlemen of the Legislative Assembly,

IT is satisfactory to me to learn from your Address that the measures adopted with the concurrence of my Responsible Advisers, in order to satisfy the public liabilities and maintain the efficiency of the public service at the present conjuncture, are considered to merit the expression of your thanks.

While I am glad to receive your assurance that my Government may rely upon your support in its efforts, by legitimate and constitutional measures, to maintain order and good government in the Colony, I regret to find that no step has yet been taken by the Legislature tending to realise the hope I some time since expressed, that active legislation in regard to the finance of the Colony might be promptly resumed.

(Signed)

C. H. DARLING, Governor.

Government Offices, October 4, 1865.

Inclosure 7 in No. 14.

Opinion of the Attorney-General.

THE Attorney-General has the honour to submit to the Governor, in compliance with his Excellency's desire, remarks upon the 22nd, 23rd, and 24th paragraphs of the Address of the Legislative Council to Her Majesty.

In collecting the duties of Customs, under the sanction of resolutions passed by the Legislative Assembly, and without the warrant of an Act of Parliament, the Government has acted, in the first instance, upon the request of a deputation, consisting of several of the leading merchants of Melbourne, who expressed a desire that the operation of the new duties might not be delayed, as the Government originally intended, but that it might, for the convenience of the mercantile community, take effect immediately upon the passing of the resolutions in the Legislative Assembly. The course taken by the Government, in accordance with the desire so expressed, was sanctioned by the long-established practice in the mother country, which has been adopted and in use in this Colony since the Constitution Act came into force. The practice is not, indeed, authorized by an express law, either in England or in Victoria, but it is a convenient, and in some cases a necessary means of preventing unhealthy speculation and disturbance of prices, and it is justified by the presumption that as the Legislative body, which has the sole right to grant aids and supplies to the Crown, has sanctioned by resolution the imposition of the duties, the other branch of the Legislature will not interfere to prevent the resolution being clothed with the form of law.*

The lapse of seven months from the date of the resolutions, does not appear to be a circumstance that affects in any degree the legal aspect of the question. The collection of the duties was equally unwarranted by law on the first day they were so collected as at the present time: it is warranted in a like degree by necessity, by usage, and by the authority of the Legislative Body, that has the control of taxation at this day, as at the time when the duties were first enforced.

The Supply and Appropriation Bill has not been lost, as stated in paragraph 22. It has been only "laid aside" by the Legislative Council; and although it is not very clear what is the precise effect, according to Parliamentary practice, of the "laying aside" of a Bill, it is believed that there is no express rule of Parliament that would prevent the Legislative Council resuming the consideration of a measure ordered to be laid aside; even if the Bill in question had been lost, however, that circumstance would only impose on the Government the necessity of bringing in a new Bill, as was done by the Government in England in the case of the Malt Duty Bill in 1807,† and would not destroy the presumption above mentioned upon which the Government deemed that it was justified in commencing to collect the duties. Nor can the Government, acting at the instance and in support of the authority of the Legislative Assembly, allow the decision of the

* See Annexure I. Observations of the Attorney-General in the House of Commons, June 29, 1848.—
"Hansard," vol. 99, page 1316.

† See Annexure 2.

Supreme Court, referred to in paragraph 23, to stop the collection of the duties. It was pleaded on behalf of the Respondent in the suits brought against the Crown to recover certain of the duties, that the collection of the duties under the authority of a resolution of the Legislative Assembly was a privilege of that Body. The Supreme Court has decided that this alleged privilege, assuming it to exist in fact, is bad in law. The Government cannot accept this decision as final on a question so vitally important to the protection of the revenue, the convenience of the mercantile community, and above all, the rights of the Legislative Assembly in the imposition of taxes. Application has been made for leave to appeal to the Judicial Committee of the Privy Council from the judgment of the Supreme Court, and until the appeal has been decided, the Government does not feel that it would be justified in ceasing to collect the duties, and thus disturbing the financial arrangements and income of the year.

The Minister of Justice and the Attorney-General have already submitted to his Excellency their opinion on the subject of the provision made for the payment of existing public liabilities by means of a loan, and confession of judgments at the suit of the London Chartered Bank. The differences between the two Houses of the Legislature rendered it necessary that some means should be adopted by his Excellency's Advisers for discharging the liabilities and carrying on the functions of Government; and it is believed that the means which have been resorted to with the approval of one branch of the Legislature, are strictly within the legal and constitutional powers of the Government.

(Signed)

GEORGE HIGINBOTHAM.

Crown Law Offices, Melbourne, October 1865.

Annexure 1.

"The Attorney-General apprehended that a Resolution of that House would be recognised by the subsequent passing of the Bill which had been founded upon it. The rule would be this: if the House of Commons resolved that a given duty should be imposed upon goods before they were entered for home consumption, it was fairly to be presumed (and the practice proceeded upon the assumption) that the House would pass a Bill founded upon that Resolution, and as the Bill related to a matter of money it was not supposed that the other House would interfere with the Resolution. The Government would, therefore, give an order to officers to act on that Resolution. He admitted that an action would lie, but before it would be ripe for investigation the Act of Parliament would have received Her Majesty's assent that from and after the 5th of July such and such duties should be levied, and that would be a perfect answer to the action."—"Hansard," vol. xcix, page 1316.

Annexure 2.

"House of Lords, Friday, January 9, 1807.

"Malt Duty Bill.—The order for committing the Malt Duty Bill, which also purported to be a Bill for removing doubts respecting the issue of certain exchequer bills and for other purposes, having been read :

"The Lord Chancellor left the woolsack to call the attention of the House to this Bill, which appeared to contain matter foreign to the object of a Money Bill. His Lordship moved that the standing orders respecting Bills of this description should be read. The standing order was accordingly read by the clerk, declaring that to insert in Money Bills clauses foreign to the object of those Bills was unparliamentary and destructive of the constitution of Parliament. The noble and learned Lord said it would be wasting the time of their Lordships for him to attempt to prove what must be obvious to the House, that clauses were inserted in this Bill which had no relation to its object as a Money Bill, and which, therefore, rendered it obnoxious to the standing order of the House which had just been read. He, therefore, moved that the Bill be rejected, which was ordered accordingly."

"House of Commons, Friday, January 9, 1807.

"On the motion of Mr. Vansittart (Chancellor of the Exchequer), the resolution of the Committee of Supply on the 1st of January for continuing the usual duties

on Malt was read. Mr. Vansittart then stated that in consequence of circumstances into which it was unnecessary for him to enter, the Bill already brought in on this resolution had been lost in another place. He, therefore, moved for leave to bring in another Bill, which was granted.”—(Cobbett’s Parliamentary Debates, vol. viii., p. 427.)

Inclosure 8 in No. 14.

Minute for his Excellency the Governor.

IN accordance with his Excellency’s desire I submit a statement of the facts referred to in the 10th and 24th paragraphs of the Address of the Legislative Council.

2. The Supply and Appropriation Bill having been laid aside by the Council on the 25th of July, it was apparent to the Government, that the salaries, wages, and contingencies for that month could not be paid at the usual time, and in order to lessen as much as possible the inconvenience to civil servants and contractors, the notice to which the Council refers was published.

3. The notice is correctly given in the Address of the Council, and was prepared by me with a distinct expectation that some means would be devised for paying moneys legally due pending the settlement of the dispute which made the public account, in a very strict sense, not legally available.

4. With this object in view I used the words, “until the necessary authority for the expenditure shall have been obtained,”—the term “necessary authority” having been employed advisedly, so as to be applicable either to the passage of the Supply and Appropriation Bill, or to some such provisional arrangement as that which was subsequently made with the London Chartered Bank of Australia.

5. The notice first appeared on the 29th of July, 1865. It was withdrawn on the 15th of August. The first payment made under the cash credit was on the 6th of September.

6. I annex a copy of the notice and of the circular withdrawing it, together with a statement showing the newspapers in which the notice was inserted, and the last days of its appearance in each of them.

(Signed) GEO. VERDON.

Treasury, October 17, 1865.

Inclosure 9 in No. 14.

Notice.

Treasury, Melbourne, July 28, 1865.

NOTICE is hereby given that the amount legally available on account of moneys voted by the Legislative Assembly for the public service of the year being insufficient, payment of salaries, wages, and contingencies must be delayed until the necessary authority for the expenditure shall have been obtained.

(Signed) GEO. VERDON.

Inclosure 10 in No. 14.

The Government Printer to the Proprietor of the “Star,” Ballarat.

Sir,
WILL you be good enough to withdraw, on receipt of this intimation, the Treasury notice respecting salaries, &c.

I have, &c.

(Signed) J. FERRES, *Government Printer.*

Inclosure 11 in No. 14.

Memorandum to the Managers of the "Age," "Argus," "Herald," and "Castlemaine Daily News."

Memo.

Treasury, Melbourne, August 15, 1865.

THE manager of the ——— is requested to discontinue from this date the insertion of the advertisement notifying that payment of salaries, wages, and contingencies must be delayed.

(Signed)

E. S. SYMONDS, *Under Treasurer.*

No. 15.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received December 23, 1865.)

(No. 130.)

(Answered, No. 11, January 26, 1866, page 104.)

Sir,

Government House, Melbourne, October 24, 1865.

I HAVE the honour to transmit herewith petitions addressed to Her Majesty the Queen, proceeding from various bodies of Her Majesty's subjects, in public meeting assembled, in the city of Melbourne and other chief towns and places in this Colony, as stated in detail in the list attached to this despatch.

2. These petitions have been evoked by the petition addressed to Her Majesty by the Legislative Council, transmitted with my despatch No. 127.* You will perceive that they are all based upon and are couched in similar language to that which was adopted by the citizens of Melbourne.

3. Upon the occasion of the presentation of that petition by a deputation, who also presented a short address to me, I took occasion to explain at some length the exact position in which I stood, as the head of the Executive Government, with reference to the course which has been taken for meeting our financial liabilities. Subsequently, upon the presentation of a petition from Ballarat, the great gold-fields' town of the Colony, I made a few supplementary remarks.

Copies of these documents I beg leave to transmit, and I am justified by what I observe has taken place at subsequent public meetings, in stating that I believe they have answered the purpose I had in view of enabling the inhabitants of the Colony generally to understand whether, in the measures adopted by the Government, there has been any real violation of constitutional principle, and to what extent the Government has departed, under the emergency, from the strict prescriptions of the law regulating the disbursement of the public money.

4. Referring specially to the statements in the Melbourne petition as a fair type of the rest, and beginning with the paragraph which affirms that the Act for which I have been blamed, is approved of by the great majority of Her Majesty's subjects in the Colony, I consider those statements to be correct, if I except that which attributes to the Legislative Council certain motives connected with the new Land Act, upon which point I do not possess the means of forming a satisfactory judgment.

5. In some instances the petitioners to Her Majesty have alluded to the "opprobrium" with which I have been "assailed." I believe that this expression refers to certain proceedings which were set on foot in Melbourne by some political members of the legal profession, for moving the Supreme Court for leave to file a "criminal information against George Verdon, George Higinbotham (the Treasurer and Attorney-General), and John Bramwell (the manager of the London Chartered Bank), for conspiring with one Charles Darling to deal with the public account in a manner not provided for by law;" to the language employed towards me personally in the columns of the "Argus" newspaper and its country satellites, and I regret to say also in the Chamber of the Legislative Council, where the measure adopted by the Governor for maintaining the public credit has been described, apparently to the satisfaction of most of the members present, as a "clever trick," a "filching from the public coffers," and a "robbing of the public chest."

I have, &c.

(Signed) C. H. DARLING.

Inclosure 1 in No. 15.

Schedule of Petitions to Her Majesty the Queen.

- | | |
|--|------------------|
| 1. Citizens of Melbourne. | |
| 2. Citizens of Geelong. (Not printed.) | |
| 3. Inhabitants of Ballarat. | |
| 4. Inhabitants of Kyneton. | |
| 5. Inhabitants of Learmouth. | |
| 6. Inhabitants of Castlemaine. | |
| 7. Burgesses of the Borough of Heathcote and inhabitants of the Shire of McIvor. | } (Not printed.) |
| 8. Electors of Brunswick and Pentridge. | |
| 9. Inhabitants of Portland. | |
| 10. Inhabitants of Stockyard Hill. | |
| 11. Inhabitants of Glenlyon. | |

To the Queen's Most Excellent Majesty.

The humble Petition of the citizens of Melbourne, in public meeting assembled, respectfully sheweth,—

That your petitioners desire to approach your august Majesty with assurances of their unalterable attachment to your sacred person and Government, would heartily congratulate your Majesty on the felicity of your long and glorious reign, and on the loyalty that exists in all parts of the British Empire, and fervently pray that your Majesty may be long spared to grace the throne with your benign sway.

That, in the exercise of your great wisdom, you did appoint Sir Charles Darling, K.C.B., to be the Lieutenant-Governor of Victoria.

That his Excellency possesses the esteem and confidence of the people of Victoria, notwithstanding that a small section of the community has assailed him with opprobrium.

That the act for which he has been blamed has been approved of by the great majority of your Majesty's subjects in this colony, as relieving from distress large numbers of the civil servants, and as being necessary to save the country from anarchy and ruin.

That the Appropriation and Supply Bill was passed by large majorities in the Legislative Assembly, and was neither accepted nor rejected by the Legislative Council, but merely laid aside.

That the Legislative Council does not, nor cannot from its constitution, represent the opinions of the people of Victoria; the high qualification requisite for its members (unencumbered freehold property to the value of 5,000*l.*) limits very much the choice of representatives in the present altered state of the Colony; while the unequal division of the Colony into electoral provinces, and the high qualification also necessary for electors, give undue preponderance to certain interests, and place the Colony entirely at their control.

That the Legislative Assembly has only been recently elected, it being only in its first session, and therefore faithfully represents the desires and opinions of the people.

That at the last election the policy of the present Ministry received the almost unanimous support of the country.

That an election has just taken place in one of the most important constituencies of the Colony, and that the Ministerial candidate was returned by a very large majority.

That an election has also taken place for the Council, but which resulted in the defeat of the Ministerial candidate.

That these two elections strikingly display the difference in the constitution of the two Houses, the numbers polled by both candidates in the North-Eastern Province for the Upper House was 320; while the numbers polled by both candidates in Ballarat West for the Lower House were 2,520; the North-Eastern Province being represented by five members in a House of thirty, and Ballarat West by two members in a House of seventy-eight.

That the action of your Representative and the Ministry has received the sanction and approval of a very large majority of the Assembly.

That the Ministry of Mr. McCulloch is strong in the confidence of the people of Victoria for the faithfulness and honesty with which they have carried on the Government of the country.

That the importers are directly interested in the rejection of the Appropriation and

Supply Bill, and are, therefore, making the most strenuous exertions to have the Ministry overthrown and the Bill rejected.

That the Land Act passed by the present Parliament, introduced and administered by the Ministry, is giving great satisfaction, settling hundreds of honest and industrious individuals on the land, and thus peopling this country with a class of yeomen who will be always ready to maintain and defend the dignity of the British Crown in this portion of your Empire.

That your Petitioners are fully persuaded that this is the true cause of the opposition of the members of the Legislative Council, who are either themselves deeply interested in the squatting system, or have been returned by purely squatting constituencies.

That your petitioners would respectfully call your Majesty's special attention to the fact that, if the policy of the Legislative Council be approved of, the Crown will be dependent for its supplies on the will of fifteen individuals, who are virtually irresponsible, the Crown having no power of dissolution, as in the case of the Lower House; nor can their numbers be increased, as in the case of the House of Lords in Great Britain; and that therefore at any moment the affairs of the country may be thrown into inextricable confusion by the freaks or whims of a few irresponsible persons, without the possibility of remedy or cure.

Your petitioners do, therefore, sincerely pray that your gracious Majesty would disallow the prayer of the Memorial forwarded by the Legislative Council, approve the action taken by your Representative, and support the Ministry and Assembly in the discharge of their duties, and the maintenance of their rights.

And your petitioners, as in duty bound, will ever pray.

To the Queen's Most Excellent Majesty.

The humble Petition of the inhabitants of Ballarat, in public meeting assembled, respectfully sheweth,—

That Petitioners desire to approach your august Majesty with assurances of their unalterable attachment to your sacred person and Government, and heartily congratulate your Majesty on the felicity of your long and glorious reign, and on the loyalty that exists in all parts of the British empire.

That your Majesty, in the exercise of your royal prerogative, did appoint Sir Charles Darling, K.C.B., to be Lieutenant-Governor of Victoria.

That his Excellency our Governor possesses the full esteem and confidence of the people of Victoria, and has given universal satisfaction by his wise and constitutional administration as your Majesty's Representative.

That, in particular, his Excellency's prompt action in adopting the necessary measures for satisfying the public liabilities and for maintaining the efficiency of the public service, and thus averting the confusion calculated to result from the refusal by the Legislative Council of its assent to the Supply and Appropriation Bills for the year, has met with the cordial and grateful approval of all classes of this community.

That the conduct of the Legislative Council, in laying aside the Bills of Supply and Appropriation for the year, is universally condemned, as tending to produce serious obstruction and confusion in the public affairs.

That the Legislative Assembly, both from its constitution and the freedom of the franchise, is thoroughly representative of the public feelings and interests; whilst the Legislative Council, from the defectiveness of its constitution and the exclusive nature of the franchise, represents only a small fractional minority.

That an election has just taken place in Ballarat West, one of the most important constituencies of the colony, and that the Ministerial candidate was returned by a very large majority, notwithstanding the great influence and popularity of his opponent.

That an election has also recently taken place for the Council in one of the provinces, which resulted in the defeat of the Ministerial candidate.

That these two elections strikingly display the difference in the representative character of the two Houses respectively. The number polled by both candidates in the North-Eastern Province, for the Upper House, was 320; while the number polled by both candidates in Ballarat West, for the Lower House, was 2,520; the North-Eastern Province being represented by 5 Members in a House of 30, and Ballarat West by 2 Members in a House of 78; clearly demonstrating the necessity of reforming the Upper Chamber.

That the present Ministry are strong in the confidence of the people of Victoria,

for the faithfulness and honesty with which they have hitherto carried on the Government of the country.

That, in particular, the Land Act passed by the present Parliament, introduced and administered by the Ministry, is giving great satisfaction, settling hundreds of loyal and industrious individuals on the land, and thus peopling this country with a class of yeomen who will be always ready to maintain and defend the dignity of the British Crown in this portion of your Majesty's empire.

That Petitioners are of opinion that the success of the new Land Act is the main cause of the opposition raised against the Ministry, both in the Legislative Council and outside, by a small section interested in the maintenance of the squatting monopoly.

That your Majesty's Petitioners do, therefore, pray that, taking all the foregoing facts into consideration, your Majesty will be pleased to approve and ratify the action taken in the present emergency by his Excellency the Governor, the Legislative Assembly and the Ministry.

And your Majesty's Petitioners, as in duty bound, will ever pray.

Inclosure 2 in No. 15.

Newspaper Extract.

Mr. J. Langlands, before reading the text of the Memorial, said :—" May it please your Excellency,—The following Petition emanated from a meeting of the citizens of Melbourne, numbering fully 4,000 persons, held in the Exhibition building on the evening of the 25th September, after a few hours' notice. On that occasion hundreds of persons failed to obtain admittance. This large assemblage was thoroughly unanimous in the adoption of this Petition. Very hearty cheers were given for Her Most Gracious Majesty the Queen, for your Excellency, for your Excellency's Ministers, and for the House of Assembly, and this deputation was appointed to wait upon your Excellency." Mr. Langlands then read the Petition, which will be found on the 11th page.*

His Excellency made the following reply :—

Mr. Ashley and Gentlemen,

I will not fail to transmit, for submission to Her Majesty, the Petition which you have just committed to my care.

I thank you, as the representatives of the public meeting of citizens of Melbourne by whom the Petition was adopted, for the expression of esteem and confidence in me which it conveys.

Believing, as I do, that an exaggerated view prevails of the responsibility I am supposed to have incurred, by sanctioning the course that has been taken in order to enable the Government to meet the just claims of the public servants and the public creditors, I avail myself of the opportunity, which the presentation to me of your Petition to Her Majesty affords, to record the simple facts of the case, as they have come under my notice, in considering the questions to which the present crisis has given rise.

You are aware that, in pursuance of the provisions of the Audit Act, the public revenue has, for some years past, been deposited in certain of the Melbourne banks, and that from the coffers of those banks it can only be withdrawn for application to the purposes for which it was granted by the representatives of the people, by the employment of certain forms established under the same law. One of the most essential of these forms is that, as a preliminary to the issue of the Governor's warrant and of the Treasurer's subsequent order to the bank to honour specified cheques in favour of the public creditor, the Commissioners of Audit should certify that the amount required is "legally available" for the proposed payments.

The financial difficulty with which the Government has had to contend arises entirely, I may here observe, from the view which the Commissioners of Audit take of the force of the term "legally available."

It appears to have been the practice in the earliest days of our Parliamentary Government to issue the public revenue upon the vote of the Legislative Assembly; but without the consent of the other deliberative branch of the Legislature.

A doubt as to the legality of this practice occurred to the Commissioners of Audit, at an early period after the Audit Act came into operation; and the Commissioners accordingly, in December 1857, requested the advice of the Law Officers of the Crown.

* See page 51.

The opinion of the Solicitor-General, which office was then filled by the Hon. T. H. Fellows, was given in these words, namely:—"Considering that the object of the Audit Act is to make the Commissioners quite independent of the Government, I think the opinion of the Law Officers should not be acted upon by them in a case like the present, but the House should be consulted. I will see Mr. Ebdon on the matter."

This opinion being communicated to the Commissioners of Audit, these officers requested that the view of the "House" might be ascertained accordingly. And it is important, with reference to the present position of affairs, to observe that neither the Solicitor-General nor the Commissioners of Audit appear to have considered reference to the Legislative Council to be at that time necessary. Reference was to be made to the "House" only.

The second letter of the Commissioners having been before the Solicitor-General, that officer gave the following clear opinion:—

"I think that Resolutions of a Committee of Supply reported to and adopted by the House make the amount 'legally available.' In point of fact, votes of credit were passed and moneys issued on them during 1857, when changes of Ministers took place, and which have never been questioned. It is, moreover, in accordance with the practice of the House of Commons.

"(Signed) JHOS. HOWARD FELLOWS.

"January 11, 1858."

In accordance with the view expressed in this opinion, corroborated in the year 1859 by an opinion given by Mr. Attorney-General Chapman, upon a cognate point, the Government, the Legislature, and the Commissioners of Audit continued to act until the month of January 1862; the claims of the public servants and the public creditor of every description being satisfied upon the votes of the Assembly alone, in anticipation of the Annual Appropriation Act.

At the time referred to, discussions having taken place in both Houses upon the subject, it was determined by the Government to introduce the more regular practice of obtaining what were called, I believe, Consolidated Revenue Acts; but being, in fact, acts authorizing the application of the public money to purposes in regard to which, it should be remembered, the Legislative Council could exercise no voice whatever, since those acts included no appropriations, and were always in anticipation of the Annual Appropriation Act, which is usually sent to the Council, as the closing communication of the Session from the Assembly.

But, although a new system was thus introduced, neither at that nor at any subsequent period has the former practice, under which it was considered by Mr. Solicitor-General Fellows and Mr. Attorney-General Chapman that the public revenue was made "legally available," been declared by a resolution of either House, much less by any act of the Legislature, to be illegal.

The new practice was even announced by the Treasurer (that office being then filled by the Honourable W. C. Haines) to the Commissioners of Audit merely as an "intention of the Government," and so little importance in point of law was then attached to it, that although, as the Treasurer informed the Auditors, the first of the Bills referred to was expected to "become law in the course of the ensuing week," the Treasurer deemed it so absolutely necessary to keep "faith with the public creditor" (I use his own words), that he requested those officers to concur in the issue of 40,000*l.* under the expiring system, being the estimated sum which would be required before the Act could be perfected.

The Commissioners of Audit, evidently with great reluctance, but remarking that "payments under contracts for postal services, the maintenance of prisoners, and for many other important services," would become due before "the expiration of the week," "felt it their duty," as they stated, "to certify the warrant," and the issue took place accordingly.

From that time to the present, the system of passing these Acts of Supply, in anticipation of the passage of the Annual Appropriation Act, has been in force; but the Commissioners of Audit have never, as I understand, assigned any stronger ground for continuing to require such Acts, than that which they stated in their Annual Report of the 30th May, 1863, viz., that the passing of the first of these Acts was a distinct "declaration of the wishes of Parliament as to the course henceforth to be pursued."

I do not doubt for a moment that the Commissioners take this view in the conscientious discharge of their duty; but I need scarcely observe that the wish of Parliament is not the law of Parliament; neither is the wish of one Parliament necessarily the wish of the succeeding Parliament; and still more assuredly the wish of the Parliament of 1862 is not the wish of the Parliament of 1865, since that important branch of Parliament, the Legis-

lative Assembly, have, by the terms of their Address to me, left no doubt that a temporary recurrence to the former practice would meet with their approval.

The necessity of keeping faith with the public creditor is, at least, quite as pressing at the present moment as in 1862. "Contracts for the maintenance of prisoners and many other important services" demand to be as punctually met by the present Treasurer as they did by the Minister whose laudable anxiety to fulfil his public financial obligations I have just referred to.

But there is this important difference between the case of 1862 and that of 1865. In 1862 not even the first of the series of Bills intended to authorise the issue of the public revenue had become law, while in 1865 not only have Acts of this nature been passed, providing the necessary supplies up to the end of the month of June last, but the Appropriation Bill itself has been sent by the Assembly to the Council; and the readiness of the Council to concur in the expenditure for which the Bill provides has been twice declared—first by resolution, and afterwards in the Address of that body to me. There can, therefore, be no doubt in this matter of either the wish or the intention of the present Parliament.

I am bold, moreover, to affirm, and I am fortified in my opinions by competent legal advice, that the 45th Section of the Constitution Act, which makes the payment of all revenue officers a charge upon the consolidated revenue, and the Civil Service Act, are as good appropriations under a plain, honest interpretation of constitutional law as any other enactment authorising appropriations for particular services.

Under all these circumstances, and without, for one moment, meaning to imply that the more recent system is not the more regular also, especially as embracing the concurrence of the three branches of the Legislature, there can, I think, be no question that the Government would have been fully justified in reverting, as a temporary measure, to the practice which prevailed from the commencement of Parliamentary Government up to January 1862; a practice which, as I have before observed, has never been pronounced illegal, and has, on the contrary, been declared by official legal authority to be in accordance with the practice of the House of Commons.

To the adoption of this course, however, an insurmountable difficulty was opposed by the view which, in conformity with the wish of the Parliament of 1862, the Audit Commissioners now attach to the term "legally available," which term they consider can be satisfied only by an Act duly passed by the three branches of the Legislature; and it was to this well-known view of the Commissioners that I referred in my message to the Assembly of the 29th August last, as preventing the issue of money in the regular and accustomed manner from what is termed in the law the "public account."

It thus appearing that there was no power of directly applying the public revenue itself to the purpose for which it was granted, the first obvious expedient to prevent the injurious consequences which would inevitably follow from the continued suspension of the public payments, was to borrow money, if possible, for the discharge of the liabilities of Government.

On this point I shall only observe that, independently of the authority which I possess from Her Majesty to "take order for the present" in regard to "anything" which may be for the "advantage and security of the Colony not provided for in the Governor's Commission and Instructions," I have the opinion of the able members of the Bar by whom the Crown in this Colony is at present advised that Her Majesty's Local Government has legally the power to enter into contracts binding on the Crown for purposes of a public nature, and necessary for carrying on the proper functions of Government, including contracts to borrow money for the payment of existing legal public liabilities.

No doubt this legal power must be exercised subject to the accountability of the Governor and his advisers respectively, to whatever bodies and authorities that accountability constitutionally lies; and no doubt, also, it is for the other parties to the contract, but for them alone, to determine whether the guarantee for repayment of the money borrowed is satisfactory and sufficient.

With respect to the mode by which the Government has been happily enabled promptly to repay the earliest of the loans effected, and thus, I trust, ensure their continuance, pending the ultimate fate of the appropriation clauses contained in the Bill now in custody of the Legislative Council, it is, no doubt, an anomaly (and, in my opinion, a discredit to constitutional government) that a state of the law can possibly exist under which the holder of a just and legal claim against the Crown cannot have that claim satisfied out of an overflowing treasury upon his own demand, because the language of laws which make that claim indefeasible are nevertheless not deemed technically sufficient to satisfy the terms of a certain prescribed form; but may immediately effect that object by

entering the Supreme Court and transforming himself into a judgment creditor of the Government.

In no way, however, could the provisions of the Act for enforcing claims against the Crown be made more effectually to subserve the public interest, and promote just and righteous purposes, than by enabling the Government, as it does in the existing emergency to appropriate the supplies "given and granted" to the Queen by the people's Representatives, to the payment of the lawful claims of Her Majesty's servants of the pledged allowances to Her Majesty's troops, and to the satisfaction generally of the demands of the public creditor, in a freely governed possession of Her Majesty's Crown.

I entertain, gentlemen, perfect confidence that the opinion of my proceedings which is expressed in your Address to Her Majesty will, when the facts are correctly understood, be acquiesced in by the inhabitants of the Colony at large, to whose judgment it may well be left to determine whether those proceedings have violated either the "spirit or the letter of the laws," or whether they constitute a scheme either "collusive," "unconstitutional," or "revolutionary."

(Signed)

C. H. DARLING, *Governor*.

Government Offices, September 28, 1865.

The deputation then withdrew.

Inclosure 3 in No. 15.

His Excellency replied:—

"Gentlemen,—It will be my duty to transmit to the Secretary of State the petition which, on behalf of a public meeting of the inhabitants of Ballarat, you have placed in my hands for submission to Her Majesty.

"I need not assure you that it is satisfactory to me to observe the opinion which the meeting has conveyed to Her Majesty, not only of my administration of the affairs of the colony generally, but also of that particular measure by which, in the existing conjuncture, the public liabilities are met, and the public service continues to be efficiently maintained.

"You are aware that the Legislative Council, separating me from my responsible Ministers, have thought fit, through the medium of a document which has necessarily received publicity, to accuse me individually of unjustifiable conduct in giving my assent to that measure, which the Council has at the same time characterised as a scheme collusive (viz., concocted with a fraudulent intent), unconstitutional, and revolutionary.

"To the people of Victoria an extensive power of controlling, and a corresponding duty of forming an opinion upon, public affairs has been committed by the constitution of its Government and Parliament, and in order to enable the people to judge how far this charge against the Queen's representative in the colony is supported by facts, I entered at some length into an explanation of the circumstances connected with the measure upon which the charge is founded, when on a recent occasion I received from a deputation of a public meeting in Melbourne an address to Her Majesty similar in purport to that which you have just committed to my care.

"It adds materially to the confidence with which I now accept expressions of public opinion upon the subject, to feel satisfied that they are not given without a full knowledge of all the facts which have any material bearing upon it.

"With respect to the law by whose instrumentality the measure referred to has been carried into effect, it may be well to remark that its adaptability to the purpose does not, in my estimation, consist of the facility by which a judgment against the Crown may be obtained, but in the peculiar provisions of the statute, whereby direct authority is conveyed to the Government at once to satisfy that judgment out of the consolidated revenue; and whether it was or was not contemplated by the framers of the Act, or by the Parliament which passed it, that it should be applied to cases precisely similar to the present, it is at any rate not a little remarkable that, in defining the claims or demands against the Crown which come within its operation, it declares them to be claims and demands 'which shall be founded on and arise out of some contract entered into on behalf of Her Majesty, or by the authority of her local Government.'

"It would, I think, be difficult to construct a clause more comprehensive in its terms, or more clearly describing the nature of the demands and claims—both those which the Government is now satisfying, through the medium of the London Chartered Bank, and those which are directly preferred by the Bank itself.

"Having made these observations in reference to those passages of your petition to

Her Majesty which relate to myself, I now desire to assure you that I am not insensible to the strong expressions of confidence in my responsible advisers, which not only that document contains, but which have reached me in various forms from unanimous assemblages of the inhabitants of the colony, and that I attach to them due weight in deciding upon my own conduct as the depository of the constitutional power of the Crown in the present position of public affairs."

No. 16.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received December 23, 1865.)

(No. 131.)

(Answered, No. 11, January 26, 1865, page 104.)

Sir,

Government House, Melbourne, October 24, 1865.

WITH reference to my previous despatches transmitting humble Addresses to Her Majesty the Queen, I now take leave to forward copies of Addresses to me as Her Majesty's Representative, and of resolutions presented to me by deputations of public meetings held at various places in the Colony.

2. I beg leave to forward also copies of resolutions relating only to the conduct of the Ministry and the Legislative Chambers, which have not been formally placed in my hands.

3. A schedule is attached to this despatch showing the districts and towns at which the meetings were held. I believe that in conjunction with the Addresses to Her Majesty, these documents may be taken as a fair expression of public opinion upon the question to which they relate. I am the more strongly of this opinion because there has been only one attempt made out of Melbourne, by those who entertain views opposed to the action of the Government, to call a public meeting to give expression to their sentiments, and on that occasion the resolutions proposed were lost and counter resolutions adopted.

4. I think you will perceive in the documents I have transmitted a proof of the correctness of the opinion I have already expressed, that the present Ministry are strong in the confidence of the constituencies generally throughout the colony.

I have, &c.

(Signed) C. H. DARLING.

Inclosure 1 in No. 16.

Schedule of Addresses presented to the Governor, embodying Resolutions passed at Public Meetings in various parts of the Colony.

1. Citizens of Melbourne and suburbs, September 18.
2. Public meeting in the Wood-market, Melbourne, September 23.
3. Public meeting at Ramsey.
4. Public meeting of inhabitants of Preston and vicinity.
5. Public meeting at Bacchus Marsh, September 23.
6. Public meeting at Wangaratta, October 2.
7. Public meeting of inhabitants of Newstead.
8. Public meeting at Wyndham, October 10.
9. Public meeting at Warrnambool, October 20.
10. Public meeting at Bulla Bulla, October 20.
11. Public meeting at Duck Ponds, September 28.
12. Public meeting at Scarsdale, October 19.
13. Public meeting at Amherst.
14. Public Meeting at Beechworth.

(Not printed.)

Resolutions adopted by a large and influential Meeting of the Citizens of Melbourne and Suburbs, held in St. George's Hall, on Monday evening, September 18, 1865.

1. That while this meeting is willing to accord to the Legislative Council the privileges of a branch of the Legislature, it is still of opinion that, looking at the irresponsible power invested in that body by the Constitution Act, and their obstruction to the popular wishes of the country, considers it advisable that an urgent, loyal, and emphatic

appeal be made without delay to the Imperial Parliament for such an alteration of the constitution of the Upper House as will render it in some degree amenable to the popular will and control.

2. That this meeting, while deploring the determined obstruction of the Legislative Council in refusing to pass or reject the Tariff and Appropriation Bills, is opinion that the heartfelt thanks of this community are due to his Excellency the Governor, the Ministry, and the London Chartered Bank for their concurrent and legitimate action in providing means for the payment of the just debts of the country.

(Signed)

J. G. REEVES, *Chairman*.

Inclosure 2 in No. 16.

Schedule of Resolutions passed at Public Meetings held at the undermentioned places, in support of the Government.

Ararat.		Lancefield.
Belfast.		Learmouth.
Bacchus Marsh.		Landsborough.
Brunswick.		Little River.
Bannockburn.		Maldon.
Bellarine.		Malmsbury.
Broadmeadows.		Maryborough.
Carngham.	(Not printed.)	Newstead.
Collingwood.		Pentland Hills.
Dunolly.		Sandhurst (2).
Geelong.		Scarsdale.
Glenlyon.		Smeaton.
Gisborne.		Wallan Wallan.
Inglewood.		Wyndham.
Kyneton.		

Resolutions passed unanimously at a large and influential Public Meeting held at Ararat, on the 21st September, 1865.

1. That this meeting desires to express its implicit confidence in the present Ministry, believing that in their administration of the affairs of the colony, more particularly exemplified in the straightforward and impartial manner in which they have carried out the Land Bill, they have been actuated by a sincere desire to legislate for the general benefit of the colonists.

2. That this meeting, having already expressed its approbation of the able manner in which the Ministry are conducting the affairs of the colony, consider that they are entitled to the cordial support of this constituency.

3. That this meeting feels bound to express its strong sense of disapprobation of the obstructive course pursued by the Upper House in endeavouring to thwart the Assembly in its attempt to legislate for the benefit of the people, and further believes that until the Legislative Council is reconstructed on a different basis the greatest impediments will continue to be placed in the way of liberal legislation.

4. That the judicious conduct of his Excellency the Governor, as displayed in the support given by him to the Ministry in the present crisis of affairs, meets with the unqualified approval of this meeting.

5. That copies of the resolutions passed at this meeting be signed by the Mayor of Ararat as Chairman, and forwarded to the honourable the Chief Secretary, and also to the representatives of the district in the Legislative Assembly.

(Signed)

THOS. WALKER,

Mayor of Ararat, and Chairman of the Public Meeting.

No. 17.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received December 18, 1865.)

(No. 133.)

Sir,

(Answered, No. 11, January 26, 1866, page 104.)

Government House, Melbourne, October 25, 1865.

I HAVE the honour to transmit herewith four Petitions to Her Majesty the Queen, proceeding respectively from the Melbourne Chamber of Commerce; from a body of

Her Majesty's subjects numbering, as I am informed, 19,675, whose names are attached to their Petition; from a meeting held on the evening of the 23rd instant, in St. George's Hall, in the city of Melbourne, to which admission was granted by ticket, and the attendance at which is estimated by the friends and opponents of its promoters respectively at 1,000 or 600 persons; and from the Chamber of Commerce of Ballarat.

2. The object of these Petitions is to support the Petition of the Legislative Council, which I have already had the honour to forward, and to pray Her Majesty to take measures for the redress of the grievances from which the petitioners allege that they are now suffering by a violation of the Constitution of the Colony.

3. Having become aware of the names of the principal promoters of the Petition (Inclosure No. 2) through the medium of the letter in which they forwarded it to me for transmission, I can have little doubt that the members of the Chamber of Commerce and the ticket-holders at the public meeting are most of them, if not all, amongst those whose names are subscribed to that Petition, and that therefore the four Petitions may be justly regarded as proceeding from the same persons.

4. The gentlemen to whom I refer are leading members of the Free Trade League, which includes many of the most respected, opulent, and active members of the commercial body, employs paid agents, has established a weekly newspaper organ, and at present commands the columns of a daily journal which enjoys a large circulation.

5. It is well known that the Petition (Inclosure No. 2) was prepared by the Free Trade League, that the organization of that body has been put into operation throughout the Colony to obtain signatures to it, and it has fallen under my own observation (confirming what I perceive is stated in the newspapers) that copies of it have been placed at the corners of streets and in thoroughfares and places of public resort, in charge of agents, who solicited signatures from the passers-by.

6. Under these circumstances, I conceive that the signatures to this Petition exhibit the full extent of the support which the views and statements therein submitted to Her Majesty's consideration can obtain throughout the Colony after the most strenuous exertions on the part of its supporters.

7. Our adult male population may be estimated at about 220,000, so that making allowance for those who abstain altogether from political action, something less than one-tenth of that population, after a process little short of polling their votes, has endorsed the prayer of the Petition, although the question of the revised Tariff and the influences of party hostility have both been brought to bear in producing this result.

Not having had an opportunity of personally examining the original Petition, I am not aware whether all those who signed it can write, or whether one person has been allowed to sign for another, or the marks only of the subscribers been in some instances admitted; but even if this be not the case, as upwards of two-thirds of our adult male population can both read and write, the result would simply be that about an eighth instead of a tenth of the adult population competent to sign had subscribed it.

8. An analysis of the persons signing has been forwarded to me by the promoters of the petition, and is as follows, viz. :—

Merchants and bankers	1,018
Shopkeepers, clerks, &c.	7,057
Professional gentlemen, householders, and gentlemen	2,204
Carriers, porters, and labourers	3,211
Mechanics and artisans	2,234
Farmers and market-gardeners	973
Miners	2,622
Occupations not named	266
Manufacturers	90
Total	19,675

9. The connection between the merchants, bankers, and shopkeepers is so intimate, and the influence which they must exercise over the clerks, carriers, porters, labourers, mechanics, and artisans in their employment is naturally so powerful, that I am surprised to find the example of the 1,018 merchants and bankers has not been followed by a much larger number of persons classified under the other heads referred to; while the fact that only 2,622 miners out of a mining population estimated at about 85,000, brought into constant communication with the agents of the banks which have evinced such decided hostility to the Government, and in fact largely contributed to enhance their difficulties, should have attached their signatures to the petition (even supposing those signatures to be all spontaneous) is still more remarkable and significant.

10. As these documents only reached me yesterday, I would beg permission to defer until the next mail the observations which it will be my duty to offer upon some of the

statements they contain, observing merely in this place that I feel persuaded that the sense of alarm and insecurity which the petitioners declare has been produced in the minds of Her Majesty's subjects by proceedings apparently sanctioned by my authority, does not extend beyond the 20,000 petitioners to Her Majesty, and I can hardly believe is seriously entertained by even the majority of the petitioners themselves.

I have, &c.
(Signed) C. H. DARLING.

Inclosure 1 in No. 17.

Petition.

To Her Most Gracious Majesty Queen Victoria.

May it please your Majesty,

WE, your Majesty's most dutiful and loyal subjects, the merchants and bankers of the city of Melbourne, members of the Melbourne Chamber of Commerce, beg to approach your Majesty with the assurance of our devoted attachment to your Majesty's person and throne.

It is with extreme reluctance that we venture to bring under the notice of your Majesty the fact that the trade and commerce of this important Colony, as well as its general interests, are injuriously affected and imperilled by the course of action which has been adopted by the responsible advisers of your Majesty's Representative, supported by a majority of one branch of the Legislature, and that such action is altogether opposed to British law and constitutional usage.

The differences existing between the two Houses of the Victorian Legislature have doubtless been reported to your Majesty, leading, as they have done, to the virtual rejection by the Legislative Council of the annual Appropriation Bill, owing to its having annexed to it a Tariff Bill, intended to effect important changes in the fiscal policy of the Colony, and by which annexation it was sought to preclude the members of the said Council from any participation in legislation thereupon, and to deprive them of their rights and functions as a deliberative body, and a co-ordinate branch of the Legislature.

We beg humbly to submit to your Majesty that many of us are importers of merchandise and European products, and that all of us are more or less interested in the commerce of the Colony.

That a feeling of alarm and insecurity pervades the minds of the mercantile community generally, owing to the fact that the sanctions of law are disregarded and openly violated by the present Victorian Ministry.

That new Customs duties are levied, and others remitted and treated as repealed, without the concurrence of more than one of the three branches of the Legislature.

That notwithstanding the decision of the Supreme Court of the Colony that such a course is utterly illegal and indefensible, the importers are compelled to submit to the dictum of the Commissioner of Customs, or to suffer still more serious losses in the detention of their goods.

That no redress can be had for these manifest wrongs, except the slow and expensive one of legal proceedings, wilfully protracted by the Crown Law Officers of the Colony.

That even the remission of duties becomes, under the circumstances, a serious evil, as we are advised that any succeeding Ministry would have it in their power to enforce the payment of them hereafter from the importer, who would then have no means of recovering the same from his purchasers.

We further beg most humbly to state to your Majesty that this feeling of alarm and insecurity is greatly increased by the means which have been resorted to by the Victorian Ministry (sanctioned, it would appear, by your Majesty's Representative), for expending the public moneys out of your Majesty's Treasury, in evasion of those Acts of the Colonial Parliament which were intended to regulate their disbursement.

We would humbly submit to your Majesty that the existence of the state of things above mentioned amounts to a practical suspension of constitutional government, and an assumption of power on the part of the present Ministry, which is at variance with the maintenance of your Royal dignity and prerogative, and furnishes just ground for alarm and apprehension on the part of your Majesty's loyal subjects resident in this Colony.

We therefore most humbly pray that your Majesty will be pleased to adopt such measures as in the wisdom of your Majesty's constitutional advisers shall be deemed best for the redress of our present grievances, and for the re-establishment of that safe and

constitutional rule amongst us which it was intended by your Majesty, acting with the advice and consent of the British Parliament, should be enjoyed by us.

And we as in duty bound will ever pray, &c.

(Signed)

PHIPPS TURNBULL, *President.*

FRAS. JNO. BLIGH, *Vice-President.*

Inclosure 2 in No. 17.

Petition to Her Majesty the Queen.

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, inhabitants of the Colony of Victoria, beg to approach your Majesty with expressions of our devoted attachment to your Majesty's throne and person.

Your Majesty has doubtless been informed of the differences which have arisen between the two Legislative Houses of this Colony, and which have led to complications which seriously imperil the peace, prosperity, and well-being of the community.

Those differences have arisen in consequence of the present Ministry of Victoria having annexed to the Annual Appropriation Bill, a Bill effecting a total change in the fiscal policy of this Colony, and including clauses affecting a part of the territorial revenue, namely, the royalty on gold. By the present law of Victoria the Customs duties and the royalty on gold are fixed by permanent Acts. The Bill annexed to the Appropriation Bill would, if passed, repeal these Acts, and substitute in place of them a temporary law imposing other duties of Customs and an altered royalty on gold for a limited period only. Such a proceeding encroaches on the rights of the Legislative Council, being designed to deprive it of that equal and co-ordinate voice in the legislation of the Colony which is given to it by the Constitution Act; and would, if sanctioned, render the revenue of the Colony, and consequently the salaries of the Governor, and of the Judges, and of all fixed establishments, dependent on the re-enactment of a temporary law.

This question and all the circumstances which have arisen in relation to it have been fully and faithfully set forth in a certain Petition to your Majesty, which was adopted by the Legislative Council of this Colony, and presented to his Excellency the Governor for transmission to your Majesty, in September of the present year; and to the statement and prayer of that Petition your present Petitioners beg most humbly and respectfully to call your Majesty's attention.

Your Petitioners would further submit to your Majesty the fact that Customs duties have been levied at the ports of this Colony since February last by the authority of the resolutions of the Legislative Assembly alone, without the legal and usual sanction of the three branches of the Legislature, and are still levied notwithstanding that the Legislative Council has refused to entertain the Bill for imposing these duties, and the Supreme Court of Victoria has declared their collection to be illegal; also the fact that the public moneys are being disbursed out of your Majesty's Treasury in evasion of the terms of the Statute expressly provided for the purpose of regulating the control and disposition of the public funds.

These proceedings, apparently sanctioned by the authority of your Majesty's Representative in this Colony, have already produced a general sense of alarm and insecurity in the minds of your Majesty's loyal subjects in Victoria, and are calculated seriously to endanger the existence of Constitutional Government in this portion of your Majesty dominions.

The Legislative Council of this Colony is an elective body composed of thirty members, and is elected by persons possessed of a certain freehold or leasehold qualification, by graduates of any recognized university, by members of the learned professions, by ministers of religion, and by officers of your Majesty's military or naval service. These qualifications on the part of the electors have rendered the Council a fair reflex of the property, education, and intelligence of the community.

The policy of the present Ministry of Victoria has never been submitted to the people at a general election, and therefore it cannot be truly said that the present Legislative Assembly represents the opinions of the people on the important questions at issue. At the last general election the proposal to deprive the Legislative Council of all voice in the financial policy of the Colony was never suggested, while several of the Members of the present Ministry were elected expressly in consequence of their declaration

that they entertained views diametrically opposed to the policy which they have since attempted to carry out.

In the course which the Legislative Council have pursued in dealing with the annexed Bills of Supply and Appropriation, they were supported by one of the largest Petitions ever presented to either Branch of the Legislature.

Your Majesty's Petitioners therefore humbly pray that your Majesty will graciously take into your consideration the great and important question at issue between the two Houses, as hereinbefore set forth, and especially the right or authority of the Government for the time being to borrow money and collect duties upon the simple resolutions of the House of Assembly.

Your Majesty's Petitioners beg most humbly to submit this Memorial in order that your Majesty may be fully informed of the grave Constitutional question really at issue between the two Houses, and may take such measures as to your Majesty may seem fit for the correction of the existing abuses, for the maintenance of your Royal dignity, and for the safety and satisfaction of your Majesty's Petitioners in this Colony.

And your Majesty's Petitioners will ever pray.

(Here follow 19,675 signatures.)

Inclosure 3 in No. 17.

Petition.

To Her Most Gracious Majesty Queen Victoria.

May it please your Majesty,

WE, your Majesty's most dutiful and loyal subjects, the merchants, traders, manufacturers, and other citizens of Ballarat, members of the Ballarat Chamber of Commerce, beg to approach your Majesty with the assurance of our devoted attachment to your Majesty's Throne and person, and to submit for your Majesty's consideration certain proceedings of the responsible advisers of your Majesty's Representative in this your Majesty's Colony of Victoria, which we consider illegal and unconstitutional, and calculated to prejudice the commercial prosperity and well-being of your Majesty's loyal subjects, the inhabitants of this colony.

Supported by a majority in one branch of the Legislature (the Legislative Assembly), the advisers of your Majesty's Representative introduced a new Tariff; and in order to force this Tariff upon the acceptance of the Legislative Council, they tacked it to the Appropriation Bill for the year, thus depriving the latter body of an opportunity to consider the Tariff on its merits, and forcing it either to adopt the same, or throw the affairs of the Colony into confusion by refusing to pass the Appropriation Bill.

This result has ensued, and at the present advanced period of the financial year no payments on account of your Majesty's service have been legally sanctioned, but are being made in evasion of the law, while Customs duties are being collected on the authority of one branch of the Legislature only, and this notwithstanding that the Supreme Court of the colony has decided that the collection of such duties is illegal.

The effect of these proceedings, we would humbly submit to your Majesty, is to lessen in this Colony that respect for Constitutional Law which happily has heretofore characterized British communities, to disturb and embarrass the operations of trade, and to destroy that spirit of commercial enterprise which, under wise and Constitutional Government, was so rapidly developing the rich natural resources of the colony, to the advantage alike of your Majesty's loyal subjects resident here and in Great Britain.

We therefore most humbly pray that your Majesty will be pleased to adopt such measures as in the wisdom of your Majesty's Constitutional advisers shall be deemed best for the redress of these our grievances, and for the re-establishment of that safe and Constitutional rule among us which would most conduce to your Majesty's honour, and to our peace and prosperity.

And your Petitioners will ever pray.

(Signed)

WILLIAM C. SMITH,

President of Ballarat Chamber of Commerce.

Dated at Ballarat, in the Colony of Victoria, this 23rd day of October, A.D. 1865.

No. 18.

Extract from a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received December 18, 1865.)

(Answered, Confidential, December 22, 1865, page 104.)

(Confidential.)

Government House, Victoria, October 25, 1865.

IT has been my duty to address you at such length in my public despatches in reference to the proceedings in the Legislature and the action which they have induced on the part of the inhabitants of the Colony, that I have little to add in the shape of a Confidential Report.

I may state, however, that a Resolution was carried last night in the Legislative Council (that body having only met for three or four days during the month) which affords some prospect of leading to a conference between it and the Assembly, although I cannot say that I am sanguine as to any satisfactory or permanent settlement of those differences on points of privilege and practice being the result.

In the meantime and pending the termination of those differences, the course of Government and of business proceeds uninterruptedly notwithstanding the numerous public meetings and the efforts of the Press to keep alive political agitation.

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No. 19.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received January 19, 1866.)

(No. 139.)

(Answered, No. 11, January 26, 1866, page 104.)

Sir,

Government House, Melbourne, November 24, 1865.

I HAVE the honour to forward herewith, with reference to my despatch No. 130* of October 24, petitions to Her Majesty the Queen relating to the present position of affairs in the Legislature of the Colony, from the inhabitants of the districts named in the accompanying schedule.

2. I have the honour to inclose also the copy of a reply which I made to the deputation from the burgesses of Echuca. I supposed that the petition of those burgesses would be the last of the documents of this nature which would be presented to me, and as it adopted the language of the petition from the citizens of Melbourne, and specially referred to the terms of "opprobrium," in which I have been "assailed by a small section of the community"—a remark which had acquired additional force from the nature of the language employed both at the meeting of the Chamber of Commerce in Melbourne, and at that held in St. George's Hall—I felt it my duty to recognize in a manner more marked than usual the sentiments the petitioners thought fit to express.

I have, &c.

(Signed) C. H. DARLING.

Inclosure 1 in No. 19.

SCHEDULE.

Copies of Petitions to Her Majesty the Queen from the following places, viz. :—

- | | |
|---|----------------|
| 1. Borough of Echuca. | } Not printed. |
| 2. Inhabitants of Campbell's Creek. | |
| 3. District of Woodend. | |
| 4. Inhabitants of Pyalong and vicinity. | |

Inclosure 2 in No. 19.

Petition from the Burgesses of the Borough of Echuca.

To the Queen's Most Excellent Majesty.

The humble Petition of the burgesses of the borough of Echuca in the Colony, in public meeting assembled,

Respectfully sheweth,—

That your petitioners desire to approach your august Majesty with assurances of their unalterable attachment to your sacred person and Government, would heartily congratulate your Majesty on the felicity of your long and glorious reign, and on the loyalty that exists in the British empire, and fervently pray that your Majesty may be long spared to grace the throne with your benign sway.

That in the exercise of your great wisdom you did appoint Sir Charles Darling, Knight Commander of the Most Noble Order of the Bath, to be Lieutenant-Governor of the Colony of Victoria.

That his Excellency possesses the esteem and confidence of the people of Victoria, notwithstanding that a small section of the community has assailed him with opprobrium.

That the act for which he has been blamed has been approved of by the great majority of your Majesty's subjects in this Colony, as relieving from distress large numbers of the civil servants, and as being necessary to save the Colony from anarchy and ruin.

That the Appropriation and Supply Bill was passed by large majorities in the Legislative Assembly, and was neither accepted nor rejected by the Legislative Council, but merely laid aside.

That the Legislative Council does not, and cannot from its constitution, represent the opinions of the people of Victoria; the high qualification requisite for its members (unencumbered freehold property to the value of 5,000*l.*) limits very much the choice of representatives in the present altered state of the Colony, while the unequal division of the country into electoral provinces, and the high qualification necessary for electors, give an undue preponderance to certain interests, and place the Colony entirely at their control.

That the Legislative Assembly has only been recently elected, it being now only in its first Session, and therefore faithfully represents the desires and opinions of the people.

That at the last election the policy of the present Ministry received the almost unanimous support of the country.

That an election has very recently taken place in one of the most important constituencies of the Colony, and the Ministerial candidate was returned by a large majority.

That an election has also taken place for the Legislative Council, which resulted in the defeat of the Ministerial candidate.

That these two elections display the striking difference in the constitution of the two Houses. The whole number of votes recorded in the North-Eastern Province for the Upper House being 320, while the number of votes recorded in Ballarat West for the Lower House were 2,520; the North-Eastern Province being represented by five members in a House of thirty, and Ballarat West by two members in a House of seventy-eight.

That the action of your Representative and the Ministry has received the sanction and approval of a very large majority of the Assembly.

That the Ministry of Mr. McCulloch is strong in the confidence of Victoria for the faithfulness and honesty with which they have carried on the Government of the country.

That the Land Act, passed by the present Parliament, introduced and administered by the Ministry, is giving great general satisfaction, is settling hundreds of honest industrious people on the lands, and so peopling this Colony with a class of yeomen who will be always ready to maintain and defend the dignity of the British Crown in this part of your Majesty's empire.

That the tariff of duties which, through the instrumentality of the Ministry, has been imposed on certain manufactures imported into this Colony, is a very beneficial measure, and is daily developing and calling into action manufacturing energy and enterprise in the Colony.

That your petitioners are fully convinced that the opposition of the Legislative Council to the Ministry arises from antipathy to the Land Act and to the new tariff, they being either deeply interested in the squatting system, or returned by purely squatting constituencies, or connected and engaged mainly in importing manufactured articles into the country.

That your petitioners would respectfully call your Majesty's attention to the fact that,

if the policy of the Legislative Council be approved of, the Crown will be dependent for its supplies on the will of fifteen individuals who are virtually irresponsible, the Crown having no power of dissolving the Council or increasing the number of its members, and that, therefore, the affairs of this country may at any moment be thrown into inextricable confusion by the caprice or whim of a few irresponsible persons without the possibility of a remedy.

Your petitioners, therefore, do sincerely pray :—

That your Majesty will be graciously pleased to take the foregoing facts into consideration, and will approve and ratify the action of his Excellency the Governor, the Ministry, and the Legislative Assembly.

And your petitioners, as in duty bound, will ever pray.

Inclosure 3 in No. 19.

Reply of Governor Sir C. Darling.

Gentlemen,

I BEG you will assure the Burgesses of Echuca that I shall have pleasure in forwarding their petition for submission to Her Majesty.

I am gratified to learn that the petitioners concur in the sentiment which has now been so generally expressed throughout the Colony, that the public act for which I have been assailed with personal opprobrium by a small section of the community is worthy of approval, as having saved the Colony from confusion and distress.

How small in reality is that section of the inhabitants by whom the opposite view is entertained, is abundantly shown by the fact that, although the powerful influence which a thousand merchants and bankers, many of them of the first position and standing in the Colony, must necessarily exercise, has been brought into operation in every possible shape, about one-eighth part only of the male adult population who can write could be induced to sign the petition based upon that view, which I have recently transmitted to England.

As to the spirit in which the "small section" are acting, it may readily be gathered from the expressions in regard to me, as the Representative of the Crown, which they utter and welcome with approval at their meetings, from the attempts which they have made to send into my presence, in the guise of a deputation, the very men from whose lips but a few hours before the most offensive of those expressions had proceeded, and from the grossly insulting language employed by the editor or conductor of their special weekly organ in the public press.

(Signed)

C. H. DARLING.

Government Offices, October 30, 1865.

No. 20.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received January 19, 1866.)

(No. 140.)

(Answered, No. 11, January 26, 1866, page 104.)

Sir,

Government House, Melbourne, November 24, 1865.

WITH reference to my despatch No. 133 of the 25th ultimo,* I have now the honour to submit the few following remarks upon the statements in the Petitions to Her Majesty which I transmitted therewith.

2. The contest between the Council and Assembly which is described in these Petitions as leading to complications seriously imperilling the peace, prosperity and well-being of the community, and injuriously affecting the trade and commerce of the colony, is one of a nature not at all unusual in the political annals of British colonies. It has been at any rate impossible for me, as the Governor of a colony possessing responsible Government, to exercise any preventive or controlling power in regard to it; and as the Governor is undoubtedly the only element in the Government and Legislature upon whose proceedings effective censure can be passed by Her Majesty's Government, I am at some loss to

imagine any purely public motive which can have influenced the petitioners in making this representation against me to Her Majesty.

3. The contest itself has pursued its natural course. Since the petitioners addressed Her Majesty, the Assembly have accepted a declaration of the Council, that in laying aside the Bill combining the Tariff with Appropriation Clauses, it was their intention finally to dispose of that measure, and have sent up the Tariff in a separate Bill. In that form also the Tariff has been rejected by the Council. The collection of duties under the higher rates fixed by the Resolutions of the Assembly immediately ceased, and the amounts received under them since they first came into operation will be refunded. The effort, however, of those classes of importers who would have been brought for the first time under the operation of the Tariff, to secure their entire exemption from fiscal charges will not be altogether successful; since the Government, have for the present, under the power conferred by a law of the colony (Act No. 144),—which the Council had an opportunity of repealing, if they had thought fit to accept the Tariff,—put in force a scale of registration fees, the payment of which there is no possibility of evading.

4. It is alleged, I observe, by some of the petitioners that the Legislative Council possess, under the Constitution Act, an equal and co-ordinate voice with the Assembly in the Legislature of the Colony. I do not know what meaning the petitioners may attach to the term “equal and co-ordinate,” but it is certain that the Constitution Act prohibits the Council from originating or altering any Bill which raises a tax or impost of any description, or provides for the expenditure of the smallest portion of the public money.

5. I cannot participate in the apprehension of the petitioners that the salaries of the Governor and the Judges, under the Constitution Act, will be imperilled by the fact of a new Tariff being enacted experimentally for four years, instead of by a permanent Act. The amount of these salaries is under 20,000*l.*, and they constitute the first charge upon a revenue which, without the duties of Customs, amounts to about 2,000,000*l.* a year.

6. I am sorry to be compelled to dissent from the statement of the petitioners, that the petition from the Legislative Council to Her Majesty, which I have had the honour to forward, faithfully and fully sets forth the circumstances which have arisen from the differences between that body and the Assembly. It has been my duty, on the contrary, to point out in my despatch No. 127,* several statements in that petition relating to my public conduct which I consider to be extremely incorrect and erroneous.

7. The petitioners allege that the feeling of alarm and insecurity occasioned by the collection of Customs duties under the authority of resolutions of the Assembly alone, is greatly increased by the means which have been resorted to, under my authority, to maintain the public credit pending the passage of the usual Appropriation Bill. I have already submitted to you very full explanations upon this point, and I will now only add the deliberate statement that I believe there is not one man of the most ordinary intelligence amongst those who have ventured to make this representation to Her Majesty through the medium of the petitions I have transmitted, who is not aware of the fact that the Government might have been compelled, under the “Claims against the Crown Act,” No. 241, to disburse by process of law every shilling of the payments they have voluntarily made by means of loans contracted for that purpose.

8. These payments have all been made in satisfaction of indefeasible claims, either for salaries or debts under contracts which it was at once the right and duty of Government to make for the maintenance of the police, the jails, and other establishments indispensable for the protection and safety of society.

The complaint that the head of the Government should, with the advice of his responsible Ministers, and supported by the Assembly, have devised means for maintaining the public credit and keeping the machine of Government in operation during an emergency, is conceived in a spirit but little in conformity with that which usually characterizes a British mercantile community. Considerations connected with profit and loss—which in the shape of the import duties lie at the bottom of the whole question—and political animosity against the Chief Secretary and the Commissioner of Trade and Customs, who are both merchants, and at the recent meeting of the Chamber of Commerce were denounced as traitors to the mercantile interests, have no doubt warped to some extent the view which the members of the Chamber and of the Free Trade League take of proceedings which it is satisfactory to be assured, by the numerous addresses I have had the honour to forward to you, have not occasioned in other parts of the colony the alarm which is stated to exist in the commercial circles represented by those gentlemen.

9. It is affirmed, I observe, that the Legislative Council is a fair reflex of the property

and intelligence of the community; but I am bound to say that I do not think it excels the Assembly in those respects. I apprehend that the Assembly represents, upon the whole, in their own persons, as large an amount of property as the Legislative Council. The constituencies of the Council vote also for the members of Assembly; and it would, in my opinion, be an easy task to select from the Assembly—member for member—a Council in no degree inferior in point of education, intelligence, and a capacity for effective deliberation on public affairs, to the existing Council; and yet, leave an Assembly of forty-eight members perfectly competent to the due discharge of the functions of the people's representatives.

10. I am not aware, however, that there is a desire on the part of any section of the community, so far as my observation extends, to disparage the intelligence and capacity of the members of the Legislative Council. I understand the feeling to be rather that the "personnel" of the Council represents too exclusively a fraternity of merchants, bankers, directors of monied Companies, occupiers of large sheep stations, and landed proprietors, who, with their legal advisers and men of business, are closely connected, through the medium of loans, discounts, advances upon wool, and mortgages upon the land, constituting, in fact, an extensive network of mutually dependent interests, the promotion of which is the special object of the policy of the Council,—a policy not always conducive to the benefit of, or consistent even with, justice to numerous classes of the people lying without the pale of that connection.

11. I am not aware, Sir, of any other remark which, in addition to those it has been my duty to offer in former despatches, seems called for by the petitions to which this communication specially refers.

I have, &c.
(Signed) C. H. DARLING.

No. 21.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received January 19, 1866.)

(No. 142.)

(Answered, No. 11, January 26, 1866, page 104.)

Sir,

Government House, Melbourne, November 25, 1865.

I HAVE the honour to forward herewith copies of Addresses and Resolutions passed at various meetings of the inhabitants enumerated in the accompanying schedule which have been received since I wrote my despatch No. 130* forwarding documents of a similar character.

2. I would beg to observe that in many of these documents sentiments are expressed upon political points with which I have no concern, and which I have always abstained from noticing in the replies, whether written or oral, which I have made to deputations presenting them.

3. My object in forwarding all such documents has been to show, 1st, that the course which I adopted for maintaining the public credit pending the final passage of an Appropriation Act has been very generally recognized by the inhabitants as a measure at once justifiable and expedient; and 2ndly, that the confidence of the population is possessed by the present Ministry to so great an extent as to warrant the opinion I have expressed, that any step on my part tending to induce their resignation would have been impolitic, and as I believe unconstitutional.

4. Demonstrations of an opposite tendency have taken place, according to the best information I can obtain, in only four instances in the country; but the Resolutions adopted have not been forwarded to me, and in more than one case it was doubtful whether the original Resolutions or amendments of an opposite tendency were carried.

I have, &c.
(Signed) C. H. DARLING.

Inclosure 1 in No. 21.

SCHEDULE of Addresses to the Governor embodying Resolutions in support of the Government, passed at public meetings held at the following places. viz. :—

- | | |
|---------------------------------------|------------------|
| 1. Maldon. | } (Not printed.) |
| 2. Maryborough. | |
| 3. Muckleford, Walmer, and districts. | |

Inclosure 2 in No. 21.

SCHEDULE of Resolutions in support of the Government, passed at public meetings held at the following places.

- | | | |
|----------------|------------------|---------------------------------|
| 1. Beckworth. | } (Not printed.) | 7. Majorca. |
| 2. Beechworth. | | 8. Moyston. |
| 3. Berwick. | | 9. Smeaton. |
| 4. Carisbrook. | | 10. Yapeen. |
| 5. Chiltern. | | 11. Yarram Yarram and Alberton. |
| 6. Guildford. | | |

No. 22.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received January 19, 1866.)

(No. 143.)

(Answered, No. 11, January 26, 1866, page 104.)

Sir,

Government House, Melbourne, November 25, 1865.

I DO myself the honour to transmit, for your information, copies of the communications which have passed between the Legislative Council and the Legislative Assembly upon the subject of the laid-aside Bill of Supply and Appropriation, since the date on which the Council adopted the Address to Her Majesty transmitted with my despatch No. 127.*

2. It will be seen that in their Message of the 31st ultimo to the Assembly, the Council referred to the Bill in question, as having been “finally disposed of” by them on the 25th July last, and that on the 7th instant the Assembly acknowledged “the intimation contained in the Message of the Legislative Council, that the Legislative Council have determined to treat the laying aside of the Supply and Appropriation Bill as a final disposition of that Bill by the Council.”

3. On the same day a Bill enacting the Tariff, in a separate form, was introduced into the Assembly, and having been sent up in due course to the Council, was rejected by that Body on the 16th instant.

4. If the Council had passed this Bill, a separate Appropriation Bill would no doubt have been immediately originated in the Assembly. I feel by no means sure, however, what the fate of such a Bill might have been in the Council under the change in the state of legislative affairs which has taken place since that Body first expressed its readiness to concur in the appropriations made by the Assembly.

5. But whatever course it might be apprehended that the Council would adopt, there could, I felt, be no doubt that an Appropriation Bill ought to be obtained if possible; and it seemed equally clear that to be obtained at all, in the altered circumstances of the case, it must be again originated in the Assembly. I therefore addressed to my Advisers a Minute expressing my views on the subject, a copy of which, together with copies of the subsequent communications which passed between us, I beg to transmit herewith.

6. I need scarcely, I think, offer any comment upon these documents. The best judgment I could form as to the disposition of the present Assembly led me to conclude that the belief expressed by my Advisers to the effect that that Body could not be induced to rescind their Resolution of the 26th July is well founded; and I therefore stated distinctly my opinion that an early dissolution was desirable; this being, in fact, the only

means by which the Assembly can be relieved from the trammels with which the Resolutions referred to have surrounded them.

7. I hope that the new Assembly will be convened in time to initiate measures providing for such payments on account of the year 1866, as will be due by the end of January next; but for the remainder of the present year there is no alternative between the suspension of payments and their continuance by means of loans under the system which has been in operation since the end of June last.

I have, &c.
(Signed) C. H. DARLING.

Inclosure 1 in No. 22.

Communications which have passed between the Legislative Council and the Legislative Assembly.

Privy Council.—Reference to, on Construction of Constitution Act.—The Honourable C. Sladen, in accordance with amended notice, moved—

1. That it is expedient that the differences which have arisen between the Legislative Council and the Legislative Assembly, relating to the interpretation of the Constitution Act, should be referred to the Judicial Committee of the Privy Council, pursuant to the Act of the Imperial Parliament 3 & 4 Wm. IV, cap. 41, sec. 4.

2. That it is desirable that a Joint Address be presented to the Queen, praying Her Majesty to refer such differences accordingly.

3. That such Address should be prepared by Committees, to be appointed by both Houses for that purpose.

Debate ensued.

The Honourable C. J. Jenner moved, That the debate be adjourned.

Question—That the debate be adjourned—put and negatived.

Question—1. That it is expedient that the differences which have arisen between the Legislative Council and the Legislative Assembly, relating to the interpretation of the Constitution Act, should be referred to the Judicial Committee of the Privy Council, pursuant to the Act of the Imperial Parliament, 3 & 4 Wm. IV, cap. 41, sec. 4.

2. That it is desirable that a Joint Address be presented to the Queen, praying Her Majesty to refer such differences accordingly.

3. That such Address should be prepared by Committees, to be appointed by both Houses for that purpose—put and passed.

The Honourable C. Sladen moved, That a Message be sent to the Legislative Assembly, requesting their concurrence in the resolutions.

Question—put and passed.

6. *Message from the Legislative Council.*—The following Message from the Legislative Council by the Clerk-Assistant of the Council :—

Mr. Speaker,

The Legislative Council acquaint the Legislative Assembly that they have agreed to the following Resolutions, with which they desire the concurrence of the Legislative Assembly :—

(1.) That it is expedient that the differences which have arisen between the Legislative Council and the Legislative Assembly, relating to the interpretation of the Constitution Act, should be referred to the Judicial Committee of the Privy Council, pursuant to the Act of the Imperial Parliament 3 and 4 Wm. IV, cap. 41, sec. 4.

(2.) That it is desirable that a joint Address be presented to the Queen, praying Her Majesty to refer such differences accordingly.

(3.) That such Address should be prepared by Committees to be appointed by both Houses for that purpose.

(Signed) J. F. PALMER, *President.*

Legislative Council Chamber, Melbourne, October 3, 1865.

Message from the Legislative Assembly.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

Mr. President,

In reply to the Message of the Legislative Council, inviting the Legislative Assembly to join in an Address to Her Majesty, transmitted to the Legislative Assembly yesterday, the Legislative Assembly acquaint the Legislative Council—

(1.) That, while the Legislative Assembly desire that the differences between the Houses be determined as speedily as possible, they are of opinion that it is inexpedient under any circumstances that such differences should be referred as proposed by the Legislative Council to the Judicial Committee of the Privy Council.

(2.) That if the Legislative Council see fit to invite the Legislative Assembly to confer upon the subject generally, the Legislative Assembly are prepared to appoint a Committee to confer with a Committee of the Legislative Council.

(Signed) FRANS. MURPHY, *Speaker.*

Legislative Assembly Chamber, Melbourne, October 4, 1865.

Privy Council, Reference to, on Construction of Constitution Act.—The order of the day for the consideration of the Message from the Legislative Assembly, in reply to the Message from the Legislative Council, on the subject of referring to the Judicial Committee of the Privy Council the differences which have arisen between the Legislative Council and the Legislative Assembly as to the interpretation of the Constitution Act, being read, the Honourable G. W. Cole moved, That the Legislative Assembly having in their Message of the 4th October instant, communicated to the Legislative Council that, if invited to confer generally upon the subject of the differences existing between the Legislative Council and the Legislative Assembly, they are prepared to appoint a Committee to confer with a Committee of the Legislative Council, the Legislative Assembly be invited to confer accordingly, and that the following Members be appointed a Committee of the Legislative Council to confer with a Committee of the Legislative Assembly, such Committee to have power to meet on days on which the Legislative Council does not sit :—The Honourables C. Sladen, W. Degraives, W. Campbell, H. Miller, T. H. Fellows, J. Henty, and the Mover.

Amendment moved by the Honourable T. H. Fellows, That all the words after the word “That” be omitted, with a view to insert instead thereof, the following words :—“as the Legislative Assembly has declared ‘its determination not to entertain any further or other Bill for the appropriation of supplies for the service of the year 1865 until the rightful control of that House over taxation and supply shall have been acknowledged by the adoption by this House of the Tariff approved of by the Legislative Assembly and contained in a schedule to the Bill passed by that House for the supply and appropriation of revenue,’ this House is precluded from inviting the Legislative Assembly to confer upon the subject of their Message.”

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question—That the words proposed to be inserted be so inserted—put.
Council divided.

Contents, 12.
The Hon. T. H. Fellows.
W. C. Haines.
W. Taylor.
S. G. Henty.
J. F. Strachan.
W. Hull.
J. P. Bear.
W. Highett.
A. Fraser.
H. M. Murphy.
J. P. Fawcner.
C. Sladen (*Teller*).

Not contents, 9.
The Hon. Dr. Wilkie.
W. Campbell.
G. W. Cole.
W. Degraives.
C. J. Jenner.
H. Miller.
J. Henty.
B. Williams.
J. Lowe (*Teller*).

The question was therefore passed.

Question—That as the Legislative Assembly has declared “its determination not to entertain any further or other Bill for the appropriation of supplies for the service of the year 1865 until the rightful control of that House over taxation and supply shall have been acknowledged by the adoption by this House of the Tariff approved of by the Legislative Assembly, and contained in a schedule to the Bill passed by that House for the

supply and appropriation of revenue," this House is precluded from inviting the Legislative Assembly to confer upon the subject of their Message—put.

Council divided.

Contents, 12.
The Hon. T. H. Fellows.
W. C. Haines.
W. Taylor.
S. G. Henty.
W. Hull.
J. P. Bear.
W. Highett.
H. M. Murphy.
A. Fraser.
J. P. Fawcner.
J. F. Strachan.
C. Sladen (*Teller*).

Not contents, 9.
The Hon. Dr. Wilkie.
G. W. Cole.
W. Campbell.
W. Degraives.
C. J. Jenner.
H. Miller.
J. Henty.
B. Williams.
J. Lowe (*Teller*).

The question was therefore passed.

Privy Council, Reference to, on Construction of Constitution Act.—The Honourable H. Miller, in accordance with amended notice, moved—

1. That the Legislative Council regret that the Legislative Assembly decline to concur with them in referring the differences between the two Houses, as to the construction of the Constitution Act, to the Judicial Committee of the Privy Council.

2. The Legislative Council are precluded from appointing a Committee, as asked for by the Assembly; but, as the Council are, and always have been, ready and willing to confer with the Assembly, should the Assembly think fit to appoint a Committee, the Council will then be prepared to appoint a Committee to confer with them.

Debate ensued.

Amendment moved by the Honourable W. Highett, That all the words after the word "should" be omitted, with a view to insert the following words instead thereof:—"a Message be sent from the Legislative Assembly to the Legislative Council, requesting a conference, and clearly describing the subject-matter upon which it is desired, the Legislative Council will give such Message due consideration."

Debate ensued.

The Honourable A. Fraser, with leave of the Council, moved, That after the word "willing" the following words be inserted:—"so far as they might consistently with their constitutional rights and privileges."

Question—put and passed.

Question—That the words proposed to be omitted stand part of the question—put.
Council divided.

Contents, 12.
The Hon. C. Sladen.
W. H. F. Mitchell.
G. W. Cole.
C. J. Jenner.
H. Miller.
W. Campbell.
W. H. Pettett.
W. Degraives.
J. McCrae.
J. Henty.
A. Fraser.
J. Lowe (*Teller*).

Not contents, 6.
The Hon. Dr. Wilkie.
J. F. Strachan.
H. M. Murphy.
J. P. Fawcner.
W. Highett.
W. Taylor (*Teller*).

The question was therefore passed.

Question—1. That the Legislative Council regret that the Legislative Assembly decline to concur with them in referring the differences between the two Houses, as to the construction of the Constitution Act, to the Judicial Committee of the Privy Council.

2. The Legislative Council are precluded from appointing a Committee, as asked for by the Assembly; but, as the Council are, and always have been, ready and willing, so far as they might consistently with their constitutional rights and privileges, to confer with the Assembly, should the Assembly think fit to appoint a Committee, the Council will then be prepared to appoint a Committee to confer with them—put and passed.

Message from the Legislative Assembly.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

Mr. President,

The Legislative Assembly acquaint the Legislative Council that, in compliance with the intimation contained in the Message from the Legislative Council, the Legislative Assembly have appointed a Committee, consisting of seven members, to confer with a Committee of the Legislative Council, on the subject of the differences between the two Houses on the Supply and Appropriation Bill; and that the Legislative Assembly have given such Committee power to meet on days on which the Legislative Assembly does not sit.

(Signed) FRANS. MURPHY, *Speaker.*

Legislative Assembly Chamber, Melbourne, October 25, 1865.

Message from the Legislative Council.—The following Message from the Legislative Council by the Clerk-Assistant of the Council :—

Mr. Speaker,

In reply to the Message of the Legislative Assembly transmitted to the Legislative Council on the 4th instant, the Legislative Council acquaint the Legislative Assembly that the Legislative Council regret that the Legislative Assembly decline to concur with them in referring the differences between the two Houses as to the construction of the Constitution Act to the Judicial Committee of the Privy Council, and that the Legislative Council are precluded from appointing a Committee as asked for by the Assembly; but as the Council are, and always have been, ready and willing, so far as they might consistently with their constitutional rights and privileges, to confer with the Assembly, should the Assembly think fit to appoint a Committee, the Council will then be prepared to appoint a Committee to confer with them.

(Signed) J. F. PALMER, *President.*

Legislative Council Chamber, Melbourne, October 25, 1865.

5. *Message from the Legislative Council.*—The following Message from the Legislative Council by the Clerk-Assistant of the Council :—

Mr. Speaker,

The Legislative Council acquaint the Legislative Assembly that as the Supply and Appropriation Bill was finally disposed of by the Legislative Council on the 25th July last, it cannot be the subject of a conference.

The Legislative Council, however, acquaint the Legislative Assembly that they have appointed a Committee, consisting of seven members, to confer with the Committee of the Legislative Assembly on the question, whether it is in accordance with parliamentary usage to unite Supply with Appropriation, and to deal with the Gold Duty in one and the same Bill—this question comprising the differences which the Legislative Council conceive to be referred to in the Message of the Legislative Assembly; and the Legislative Council have empowered the Committee to meet on days on which the Legislative Council do not sit.

(Signed) J. F. PALMER, *President.*

Legislative Council Chamber, Melbourne, October 31, 1865.

Construction of the Constitution Act.—Differences between the Two Houses.—The Order of the Day from the consideration of the Message from the Legislative Assembly on the subject of the differences between the two Houses, as to the construction of the Constitution Act being read, the Honourable W. H. F. Mitchell moved, that a Committee consisting of seven members be appointed to confer with a Committee of the Legislative Assembly on the question,—whether it is in accordance with Parliamentary usage to unite Supply with Appropriation, and to deal with the Gold Duty in one and the same Bill; such Committee to have power to sit on days on which the Legislative Council do not sit; the Committee to be chosen by ballot.

Debate ensued.

Amendment moved by the Honourable H. Miller, That all the words after the word "That" be omitted, with a view to insert the following words instead thereof,—“a Committee of seven members be appointed by ballot to confer with the Committee of the

Legislative Assembly on the subject of the differences between the two Chambers, on the Supply and Appropriation Bill; and that the Committee of the Legislative Council have leave to sit on days on which the Council does not assemble."

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

Council divided.

Contents, 15.

The Hon. N. Black.
T. H. Fellows.
C. Sladen.
W. Campbell.
Dr. Wilkie.
W. Taylor.
W. H. F. Mitchell.
S. G. Henty.
W. Hull.
B. Williams.
W. Highett.
J. P. Fawcner.
H. M. Murphy.
A. Fraser.
J. F. Strachan (*Teller*).

Not contents, 7.

The Hon. G. W. Cole.
W. H. Pettett.
H. Miller.
W. Degraives.
W. C. Haines.
J. McCrae.
C. J. Jenner (*Teller*).

The question was therefore passed.

Question—That a Committee consisting of seven members be appointed to confer with a Committee of the Legislative Assembly on the question,—whether it is in accordance with Parliamentary usage to unite Supply with Appropriation, and to deal with the Gold Duty in one and the same Bill; such Committee to have power to sit on days on which the Legislative Council do not sit: the Committee to be chosen by ballot—put and passed.

The Council then proceeded to the ballot, and the following members, having been reported by the Clerk to have the greatest number of votes, were declared by the President to be the members of the Committee, viz., the Honourables W. Campbell, J. P. Fawcner, T. H. Fellows, A. Fraser, W. Highett, C. Sladen, with the Mover.

The Honourable W. H. F. Mitchell moved, That a Message be sent to the Legislative Assembly, acquainting them that, as the Supply and Appropriation Bill was finally disposed of by the Legislative Council on the 25th, of July last, it cannot be the subject of a Conference; that the Legislative Council, however, have appointed a Committee, consisting of seven members, to confer with the Committee of the Legislative Assembly on the question,—whether it is in accordance with Parliamentary usage to unite Supply with Appropriation, and to deal with the Gold Duty in one and the same Bill—this question comprising the differences which the Legislative Council conceive to be referred to in the Message of the Legislative Assembly; and that the Legislative Council have empowered the Committee to meet on days on which the Legislative Council do not sit.

Question—put and passed.

Message from the Legislative Assembly.—The President announced the receipt of the following Message from the Legislative Assembly:—

Mr. President,

The Legislative Assembly acknowledge the intimation contained in the Message of the Legislative Council, that the Legislative Council have determined to treat the laying aside of the Supply and Appropriation Bill as a final disposition of that Bill by the Council.

The Legislative Assembly regret that the Legislative Council, by this determination, have precluded themselves from fulfilling their intention of appointing a Committee to confer with a Committee of the Legislative Assembly, if appointed, on the subject generally of the differences which have arisen between the Houses on the Supply and Appropriation Bill, as expressed in the Message of the Legislative Council of the 24th of October.

*Legislative Assembly Chamber,
Melbourne, November 8, 1865.*

(Signed)

FRANS. MURPHY,
Speaker.

Inclosure 2 in No. 22.

Minute for the Executive Council.

I MUST beg to remind the Executive Council that the recent proceedings in the Legislative Assembly have materially affected the position of financial affairs, and greatly added to my responsibility in continuing to sanction the issue of public money under existing arrangements.

It is sufficient to say that the Assembly, when requesting me to take steps for upholding the public credit, distinctly fixed the embarrassment which had arisen upon the course adopted by the Legislative Council in laying aside the Bill of Supply and Appropriation without message or communication to the Assembly; and that in adopting, with the advice of my Ministers the expedient now in operation, I avowed that I felt myself fortified by the facts that the Appropriation Bill had passed the Assembly, and that the Council had virtually expressed their concurrence in the expenditure for which it provides.

But the case is now totally altered.

The Legislative Assembly, on the 7th instant, thirteen days since, adopted a Resolution, whereby they recognized "the laying aside of the Supply and Appropriation Bill as a final disposition of that Bill by the Council;" and have sent up to the Council, in a separate Bill, the clauses revising the Tariff of Customs duties which were originally embodied in the Supply and Appropriation Bill.

There is, therefore, no Appropriation Bill in even nominal existence, and I apprehend that the Resolutions of the Assembly upon which that Bill was founded have no longer any Parliamentary force.

I have throughout believed that it never was the intention of the Assembly to embarrass the Executive Government in the conduct of their contest with the Council, either as regarded privilege or their claim practically to regulate the taxation of the country.

I conceive that regard to my Constitutional position requires that the Assembly should be invited to initiate an Appropriation Bill; and that if they decline to do so, upon the ground either of their Resolutions of the 26th July last, or upon any other ground, that they should be dissolved, but for that reason alone, and not, so far as my opinion goes, from any doubt as to the views of the constituencies in regard to the Tariff.

November 20, 1865.

(Signed)

C. H. D.

Inclosure 3 in No. 22.

Minute for his Excellency the Governor.

THE members of the Government beg leave to acknowledge the receipt of his Excellency's Minute, dated yesterday, in which his Excellency points out that the recent proceedings in the Legislative Assembly have materially affected the position of financial affairs and greatly added to the Governor's responsibility; that, in his Excellency's opinion, it was never the intention of the Assembly to embarrass the Executive Government in the conduct of their contest with the Council; that regard to his Excellency's Constitutional position requires that the Assembly should be invited to initiate an Appropriation Bill, and that, if the invitation be declined upon any ground, the House should be dissolved for that reason alone, and not from any doubt as to the views of the Constituencies in regard to the Tariff.

2. The Cabinet desire to express to his Excellency their sense of the great consideration with which his Excellency has been pleased to entertain the measures which it has been their duty to propose in the existing condition of public affairs.

3. The Minute of his Excellency has been most fully and anxiously considered by his Advisers, and they beg leave to make the following observations upon it:—

4. It appears to the Cabinet to be of the utmost importance that the various phases which the differences between the Houses have assumed, shall not be permitted to hide the real causes out of which the dispute has arisen.

5. In the opinion of the Cabinet, those causes are to be found in the following considerations:—

(1.) That it is essential to the satisfactory government of the country that the

control of the finances shall be with the popular branch of the Legislature, in which the whole people is represented.

(2.) That this right is conferred upon the Legislative Assembly by the Constitution.

(3.) That the Legislative Council, by rejecting the entire financial scheme for the year, denies the right of the Assembly to control the finances, and, in effect, asserts it for itself.

(4.) That the Constitution provides no means by which disputes between the Houses can be determined.

6. To protect the right it claims, the Assembly has from time to time adopted such measures as the occasion seemed to require; and the Cabinet respectfully submit that, in considering the relative position of the Houses, all the Acts of each should be considered together.

7. If any particular Act of the Assembly be singled out from the rest, a construction the very opposite of the true one may be put upon its conduct; and the country, being asked to decide, may be embarrassed by so partial a statement of the true issue between the Houses that the result of a general election would only increase and multiply the difficulties which now exist.

8. If the Assembly decline to initiate an Appropriation Bill, and thereupon is to be dissolved, it will be made to appear that the Assembly refuses supply to the Crown; whereas in fact, the Assembly has always made liberal provision for all the public requirements, and merely demands now that it shall decide upon the ways and means out of which the expenditure is to come.

9. If consistency and the preservation of the rights which the Assembly asserts demand an adherence to the Resolutions of the 26th of July, the Government cannot invite the Assembly to rescind them; and to make the proposal with a foreknowledge that it will be rejected and then to appeal to the country against that decision, would be a course which the present Advisers of his Excellency could not consistently propose, partly because it would be a desertion of the Assembly, but chiefly because they would then be instrumental in putting the issue between the Houses to the country imperfectly, and unjustly to the Assembly.

10. In the opinion of the Cabinet, it is of the highest importance to the future good government of the Colony that if the people are to be appealed to at all, the true nature and causes of the dispute should be made plain; that the people should be asked to confirm or condemn the conduct of the Assembly and of the Government; to say if, in future, their Representatives shall control the public finances; and to decide upon the reforms which are essential to the working of the Constitution.

11. Moreover, while fully recognizing the peculiar exigencies of his Excellency's position, and expressing their earnest desire to aid his Excellency by every means in their power to a solution of the difficulties with which the administration of affairs is beset, the Members of the Government are constrained to state their belief that the Assembly cannot be induced to rescind the Resolutions of the 26th of July, and that if his Excellency see fit to call in other Advisers, the year will have ended before they will have an opportunity of introducing the Appropriation Bill, and the dissolution and the settlement dependent upon it will be therefore indefinitely postponed.

November 21, 1865.

(Signed)

JAMES McCULLOCH.

Inclosure 4 in No. 22.

Minute for the Executive Council.

I HAVE given my best consideration to the Minute of this date, which I have received from my Advisers in reply to that which I communicated to them yesterday upon the subject of an Appropriation Act.

My Advisers are aware that, in accepting whatever degree of responsibility may attach to me in regard to the financial arrangements by which the public credit is at present maintained, I have been influenced solely by what has appeared to me to be the paramount obligation of averting from the community confusion and distress, during the continuance of the contest between the Legislative Chambers, and not by any consideration whatever connected with the merits of the contest on either side.

It was not the intention of the concluding paragraph of my minute of yesterday to imply that, if a dissolution should take place upon the advice of Ministers, any restraint

could be imposed upon them as to the grounds upon which their advice should be based; but merely to state that, in my own view, the necessity of obtaining an Appropriation Act was in itself sufficient to justify a dissolution.

I now understand my Advisers to express their conviction that in the present position of affairs the Assembly cannot be induced to rescind their Resolution of the 26th July.

With this opinion before me, and bearing in mind the fact that any Appropriation Act which could be now obtained could, so far as salaries and wages are concerned, extend only to the end of the year now drawing to its close, I abstain from pressing upon my Advisers the necessity of asking for an Appropriation Act, but I state my opinion that the "dissolution and the settlement dependent upon it," alluded to by my Advisers in the concluding paragraph of their Minute, should be deferred for the shortest possible period.

(Signed) C. H. DARLING.

Government Offices, November 21, 1865.

Inclosure 5 in No. 22.

Minute for his Excellency the Governor.

THE members of the Government having considered the Minute of his Excellency the Governor of the 21st instant, have determined that the course which it is their duty to advise will be that the Legislative Assembly be dissolved without delay. It is, therefore, proposed that the Legislature be prorogued upon Tuesday next, if it be convenient to his Excellency to come down to the Houses for that purpose, and to assent to the Mining Bill.

(Signed) JAMES MC CULLOCH.

Chief Secretary's Office, November 23, 1865.

Inclosure 6 in No. 22.

Minute for the Executive Council.

THE Governor begs to acknowledge the Minute which the Ministers have this day addressed to him; and to acquaint them, in reply, that he will be prepared to prorogue the Legislature on Tuesday next, in conformity with their advice.

(Signed) C. H. DARLING.

Government Offices, November 23, 1865.

No. 23.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received January 13, 1866.)

(Confidential.)

(Answered, Confidential, January 25, 1866, page 104.)

Sir,

Government House, Victoria, November 25, 1865.

I HAVE the honour to forward herewith the "Argus" and "Age" summaries of this date. You will perceive that a division was taken last night in the Assembly upon a motion "That the present action of the Government in relation to the existing crisis is not calculated to bring the disordered state of public affairs to a speedy and satisfactory conclusion." This motion had immediate reference to the intended dissolution of the Assembly and was lost, a majority of 37 in a House of 63 voting against it.

You will perceive also in the columns of the "Argus" the copy of an Address to Her Majesty, signed by several gentlemen who are styled Executive Councillors in consequence of their having formerly held the position of Responsible Ministers. This petition was only placed in my hands forty-eight hours before that appointed for the closing of the mail. I have referred it to my advisers and the Crown Law Officers for any observations they may desire to offer, and I will take care to transmit it by the next mail.

All the statements it contains have, I think, been already reported on by me, being embodied in the petitions which its subscribers or most of them have previously forwarded in their capacities either as members of the Legislative Council, of the Chamber of Commerce, or of the Free Trade League.

What degree of weight is due to it from the fact of its proceeding from persons who have been at some time Advisers of the Crown, or in other words colonial politicians, wil

be better understood when I mention that of the twenty-two gentlemen of this class who have signed it eight are active members of the present Opposition in the Council and Assembly, including a prominent political leader, Mr. O'Shanassy.

Nine are ex-Members of Assembly, who lost their seats at the last general election, most of them, as clearly appeared from the published proceedings, because they had been connected with Mr. O'Shanassy's Government. One was also an active member of Mr. O'Shanassy's Government, but obliged to retire from public life, having become insolvent and compelled to take the benefit of the Act. One has just been discomfited at Ballarat, where he stood for the Assembly against a candidate who supported the Government.

Of the other three, one is in his commercial capacity strongly interested in the Tariff question; but I am not aware that either this gentleman or the remaining two have been of late years actively concerned in political affairs.

Apart from the merits or demerits of the complaint of the petitioners, of which I have endeavoured to afford you ample means of judging, so far as my conduct is concerned, I have no hesitation in saying that this extraordinary combination of politicians has been brought about by their utter hopelessness of being able to displace, by ordinary means, a Ministry which has now held office considerably longer than any previous Cabinet; which, although its numbers have been reduced by the death or resignation of three of their body, as originally composed, has not found it necessary to supply their places, and is stronger than ever in the support of the Assembly, and in the confidence, apparently, placed in them by the constituencies generally, while my individual offence has been, that as, under these circumstances, the Ministers could only be got rid of, or I should rather perhaps say, the chances of a scramble for their places be afforded by my dismissal of them, I have failed to see that it was my duty, under any conjunctures which have yet arisen, to take that course.

I have, &c.
(Signed) C. H. DARLING.

No. 24.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received February 13, 1866.)

(No. 152.)

(Answered, No. 25, February 26, 1866, page 108.)

Sir,

Government House, Melbourne, December 23, 1865.

IT has become my duty to transmit to you the accompanying address or petition to Her Majesty the Queen, signed by twenty-two gentlemen who have been responsible Ministers in this Colony, and who continue to hold the commissions as Members of the Executive Council, which were issued to them when they first accepted office under the Crown.

2. When this address was prepared the only other Members of the Executive Council in the Colony were the seven gentlemen who are my present Advisers, the Chief Justice and Mr. Justice Molesworth, Mr. Miller and Mr. Haines (both Members of the Legislative Council), Mr. Harker (a Member of the Assembly), and Mr. Goodman, whose resignation of his commission I have reported by the present packet, and which, as I am informed, was tendered by that gentleman after he had been pressed to attach his signature to the address.

3. It is stated in the memorandum annexed to the address, that Mr. Miller, Mr. Haines, and Mr. Harker were unwilling to sign it; Mr. Haines and Mr. Miller, however, in their capacity as Members of the Legislative Council, concurred in the address from that body, very similar in its object and statements to the document now forwarded, and Mr. Harker is, I believe, an opponent of the Ministry, upon some of the more prominent points to which this representation refers.

4. The complaint of the petitioners is directed against me specially and personally, and is to the effect, that the alleged illegal acts which the address details "could not have been committed, much less persisted in, if I had not given to those acts the sanction of my authority;" and the petitioners add, "we desire to appeal to your Majesty only on the point, whether your Majesty's Representative should have lent the sanction of your Majesty's name to the several acts of the Government which we have above described."

5. I cannot more comprehensively reply to the accusation which this combination of *ci-devant* Ministers have thought fit to prefer, than by stating that there is no so-called

illegal act on the part of the Government which they accuse me of having sanctioned, which I should not, so far as respects the general principles upon which it is based, have carried into effect, if the executive authority had been deposited solely in myself; and if I were not under the obligation, which by Her Majesty's instructions I now am, to ask the advice of the Executive Council in all cases, and to be prepared, whenever I reject that advice, to record in detail "the reasons and grounds of such rejection."

6. I should undoubtedly have directed the levy of the new duties of Customs as soon as the resolutions of the Assembly revising the Tariff had been passed, if such was the expressed intention of the Assembly, upon the understanding that the duties would be so collected provisionally and subject to the ultimate decision of the Legislature, as declared either by the passage or rejection of the Act intended to legalize their collection, and that the steps taken by the authorities of the Custom-house should be supported by the opinion of the Law Officers of the Crown.

7. As to the legal effect of the decisions of the Supreme Court, I should have felt that I ought to be guided in a purely legal question by the opinion of the Law Officers, and I should have acquiesced in their advice to appeal from those decisions the more readily, since while the Judges could not do otherwise than pronounce them, it was well known that the object of the parties by whom the actions were brought was not simply to "recover back" the duties in the event of the new Tariff becoming law, knowing well, as they did, that in that case the duties would be voluntarily reimbursed by the Government; but that their design was one which, however feasible in law, was certainly of questionable morality, viz., to "recover back" those duties in the event even of their being ultimately legalized, thus obtaining an advantage over all their fellow-importers who might not have adopted the same course. This result it was hoped to accomplish by bringing the actions to a termination in the local courts, before the fate of the Tariff should be finally decided in the Legislature.

8. If indeed I had, when acting on my sole responsibility, regarded the "laying aside" of the Bill uniting the Tariff with the Appropriation Bill as a final rejection of the Tariff by the Council, I should have considered it incumbent on the Government to cease collecting the duties under that Tariff; but whatever effect the "laying aside" of the Bill might be deemed to have in respect to the Bill itself, it certainly could not be considered as finally rejecting the Tariff, because the resolution of the Council laying aside the Bill declared the readiness of the Council to consider the Tariff, when submitted to them separately; a course which they did in fact adopt, when a Bill based upon the original resolutions of the Assembly was subsequently sent up by that body.

9. I should, in such an emergency as I had to deal with, have gladly availed myself of the means of procuring money to maintain the public credit and avert wide-spread distress, which the Government did in effect resort to, never doubting that there was nothing illegal or unconstitutional in adopting that course, especially when supported by an unlimited vote of credit from the Assembly, or in continuing to pursue it while the emergency lasted; since by a subsequent resolution of that House the particular measure itself was specially and distinctly approved of. I may add that I should have gone much further than my Ministers counselled me to do, for I should have peremptorily withheld from those banks which refused to assist the Government by loans any further deposits of the public revenue.

10. Nor should I have hesitated, if supported by the opinion of the Law Officers of the Crown, to repay the loans through the instrumentality of the Act for the "enforcement of claims against the Crown," particularly when I found that that Act had been brought into operation against the Government by the holders of just claims upon its Treasury.

11. If, therefore, I would have done these things of my sole authority, I need not say that I accept all the responsibility of having sanctioned them as the Representative of the Crown, under the system of responsible self-government which prevails in this Colony.

12. Having thus disposed of the charges against myself, I proceed to notice one or two inaccuracies in the inclosed address, of the same nature as those which it has been my duty to correct in the similar documents I have already transmitted.

13. It is untrue, as alleged by the petitioners, that no Bill for legalising the duties of Customs was introduced. Such a Bill was read the first time in the Assembly on the 15th February, when the last of the Tariff resolutions was adopted. Its second reading was fixed for the next day, but on that day there was no House, only seventeen members being present. Subsequently on the 28th February, the second reading was fixed for the 2nd March, and it was on that day stated by the Chief Secretary that in consequence of the opposition which it had been ascertained would be offered to the

measure through the pressure put upon the Council by sections of the Commercial Body in Melbourne, it was intended to unite it with the Appropriation Bill. I do not know whether the petitioners mean explicitly to include this proceeding amongst the illegal and unconstitutional acts which they charge me with having sanctioned, but it is, I am sure, unnecessary that I should notice further the insinuation to that effect, which is undoubtedly intended by the reference made to the subject.

14. By the terms in which the petitioners allude to a statement made by me in reply to an address from the citizens of Melbourne, they leave it to be inferred that I claimed a power to take measures not sanctioned by law, in cases unprovided for by the Governor's Commission and Instructions.

15. They know, however, perfectly well that this statement was made by me in direct reference to a published inquiry from one or more of the Melbourne banks as to whether the Governor possessed, by virtue either of his Commission or of the Royal Instructions, special authority to effect loans of money, and was simply meant to intimate that the Commission and Instructions were not the only source of the powers which the Governor might legally and constitutionally exercise. I cannot more conclusively show that I did not claim to exercise any power beyond the law in the instance referred to, than by pointing to the fact that I took trouble to explain that the loan which the Government had contracted was so contracted in the exercise of legal authority, according to the opinion of the Law Officers of the Crown.

16. I do not perceive that the Address calls for any further remarks, for the mere purpose of refuting the accusations against me which it contains; but it now becomes my duty to expose the true character of the proceedings adopted by the persons who have signed that document, and respectfully to submit the observations to which such an exposure naturally leads.

17. It may appear remarkable that almost every Member of the Executive Council in the Colony who is not at present an Adviser of the Governor should have united in preferring this impeachment of my conduct; more especially as they have all (probably without exception) been parties to one or other of the petitions of a similar nature which it has already been my duty to forward.

18. The following statement will, I think, tend to explain the nature and motives of this coalition. Of the twenty-two petitioners, eight, viz., Mr. Fellows, Mr. Mitchell, Mr. Strachan, Mr. Sladen (Members of the Legislative Council), and Dr. Greeves, Mr. Houston, Mr. Moore, and Mr. O'Shanassy (of the Assembly), were active opponents of the present Government in the Parliament which has just been dissolved; while Mr. O'Shanassy was the head, and Mr. Mitchell a Member of the Government, which was obliged to retire in June 1863, on the accession of the present Government to office. Six, viz., Mr. Anderson, Mr. Wood, Dr. Evans, Mr. Johnston, Mr. Mac Mahon, and Mr. Ireland, were also Members of Mr. O'Shanassy's last Administration; and the five first were rejected candidates at the General Election of 1864. Mr. Ireland did not stand on that occasion. Four, viz., Mr. Aspinall, Mr. Brooke, Mr. Humffray, Mr. Loader, were opponents of the present Ministry, and lost their election in 1864. One, Mr. Service, contested a seat in the Assembly a few weeks ago, as a decided opponent of Mr. McCulloch's Government, and was defeated by a considerable majority. One, Mr. Horne, was a Member of Mr. O'Shanassy's Government in the years 1857 and 1858. One, Mr. Newton, seems to have held office for about twenty-seven days in the year 1860; and one, Mr. Bailey, has not been in office since 1860—he is a Melbourne merchant, as are also Mr. Moore and Mr. Service; Mr. Strachan is the head of a mercantile house in Geelong, and they are all directly, personally, and avowedly interested in the rejection of the revised Tariff, which lies at the root of the present political situation. I may add that Mr. Anderson, Mr. Wood, Dr. Evans, Mr. Johnston, Mr. Mac Mahon, Mr. Ireland (Mr. O'Shanassy's late colleagues), Mr. Aspinall, Mr. Brooke, Mr. Humffray, Mr. Service, Mr. Horne, and Mr. Newton, are all at this moment in the field as candidates for seats in the next Assembly, and as declared opponents to the present Administration.

19. It will thus be apparent that these gentlemen who assume to approach Her Majesty as Members of the Executive Council, gravely to complain, in that capacity, that Her Majesty's Representative has sanctioned illegal and unconstitutional proceedings on the part of his responsible Ministers, are, almost without exception, active and, I may add in some instances, virulent political opponents of those Ministers; and considering that upon every one of the acts referred to, opposite opinions are held and have been declared by the leading politicians of the Colony, it is, I conceive, impossible to concede to these gentlemen that they are under the influence of that impartial spirit and unbiassed judgment, the possession of which could alone justify them in claiming for their opinions

the weight which is presumed to attach to those opinions as proceeding from Executive Councillors.

20. But no task can be more easy than to show that these opinions, in the case of most of the gentlemen in question, especially of the more prominent amongst them, are entitled to no weight whatever; that they are at direct variance with their expressed sentiments and conduct in former, and indeed in very recent, instances; and that it is difficult even now to say what their real opinions are, or at any rate what they would be declared to be, if their political position were again changed.

21. I will refer in the first instance to Mr. T. H. Fellows, a member of the Legislative Council, whom, on my assumption of the government, I found in office as a colleague of the present Ministers; but who retired from that position early in the year 1864, without assigning to me any reason for adopting that step. I am sure, however, I shall not do Mr. Fellows injustice by expressing my belief that his non-concurrence with his colleagues as to some of the provisions of the Land Act would have rendered it impossible that he could have co-operated with them in the business of administration.

In my despatch No. 116* of the 22nd September I had occasion to refer to and to transmit a copy of an opinion given by Mr. Fellows some years since when holding the position of a Law Officer of the Crown, to the effect that "Resolutions of a Committee of Supply reported and adopted by the House" (the Assembly) "made the amount legally available;" that "votes of credit had been passed and moneys issued upon them during 1857, when changes of Ministers took place, and which had never been questioned;" and, moreover, that these proceedings "were in accordance with the practice of the House of Commons."

22. I had publicly referred to this opinion, not as justifying under ordinary circumstances the issue of money under the votes of the Assembly alone, in the face of the different practice which had obtained of late years, but merely to show that in resorting to that course under an emergency the Government could not be justly accused of violating constitutional principles.

23. I pointed out at the same time that Mr. Fellows' opinion had been at a subsequent date supported by a more elaborate one from Mr. Chapman, the then Attorney-General of the Colony.

These two opinions remained upon record in the Audit Office; they were, indeed, the only legal opinions bearing upon the point in possession of the Government, and, of course, came prominently under my notice when I had to consider all the circumstances attending the position in which the Executive was placed by the contest between the Legislative Chambers.

24. Mr. Fellows had never thought it requisite formally to correct or withdraw his opinion; but, nevertheless, when its utter inconsistency with the complaint against me contained in the address of the Legislative Council to Her Majesty, and which was adopted principally under the guidance and advice of Mr. Fellows, became apparent, and had excited indignant comment throughout the Colony, he took the opportunity, afforded by a reference to it in debate in the Legislative Council, to admit that he had given that opinion, and proceeded to endeavour to reconcile it with his subsequent action, by asserting that the Audit Commissioners had shown that it was based upon an erroneous principle, and that the assumed analogy between the House of Commons and the Assembly did not exist: he, in fact, tore his own official opinion to tatters, and concluded by saying that "if after this explanation value were still attached to the unfortunate opinion he had given seven years ago, he could only regret the circumstance." (See the *Victorian Hansard*, vol. ii, pp. 1384, 1385.)

25. But even on the question out of which the whole of our present political difficulties have arisen, namely, the union of taxation and appropriation in the same Bill, Mr. Fellows appears, if the records I have referred to do not deceive me, to have been still more "unfortunate" in his opinions.

26. I forwarded in my despatch No. 115,† an opinion of Mr. J. D. Wood, one of the present petitioners to Her Majesty, and at one time the Attorney-General of the Colony, to the effect that Bills under the 56th clause of the Constitution Act must be Bills which combined both those objects, or, as Mr. Wood briefly expressed it in his place in Parliament on the 19th June, 1860, must be "Bills that not only impose a rate, duty, rent, or tax, but must also appropriate part of the revenue."

27. On the 26th June, Mr. Fellows stated in Council that his opinion coincided with that of Mr. Wood; and on the 4th July in the same year, reference was made in the Assembly to this opinion of Mr. Wood, in express relation, too, to the privileges of the

Legislative Council with respect to Money Bills ; and the Solicitor-General, Mr. Martley, was asked if he concurred in it. Mr. Martley replied "that he fully concurred in that opinion, and although he differed with the Honourable the Attorney-General on some of the grounds on which he arrived at those conclusions, he more readily expressed his difference of opinion in this respect, because another Member of the Government, Mr. Fellows, entirely concurred in the opinion given by Mr. Wood. He had written his opinion, and he now begged to lay it on the table of the House."

28. So that it appears from this statement that Mr. Fellows entertained in 1860 the opinion that the Constitution Act contemplated the transmission to the Council, of Bills by which taxes were both levied and appropriated ; while in 1865 (a few weeks since), he himself moved a Resolution to the effect that such a combination was in violation of the principles established by that Act.

29. In the same category with Mr. Fellows stands Mr. Wood himself, who has recently, both at a public meeting and as a witness in the Supreme Court, referred to his written opinion, in terms which, to say the least, are very equivocal, and leave it a matter of convenient doubt whether he now adheres to or retracts that opinion. But this is, at any rate, his position : if he adheres to the opinion, he has no right to complain of the course the Assembly pursued in combining taxation and appropriation ; and if he retracts it, he should feel (with Mr. Fellows) that a lawyer who thus changes his views is not entitled to be regarded as a safe adviser, or reliable authority, and that the opinions formally given and recorded under the responsibility which attends the position of a Law Officer of the Crown will justly be regarded as of greater value than those which are uttered incidentally during the pursuit of party objects and in the heat of political trife.

30. Mr. Wood's flagrant inconsistency and repudiation of his former acts are however far more strongly illustrated in his proceedings with reference to other points adverted to in the Address to Her Majesty, than even in the case just referred to.

31. In 1862, the under-mentioned gentlemen who have signed the Address to Her Majesty now transmitted, were Members of the Ministry, viz., Mr. O'Shanassy, Mr. Wood, Mr. Ireland, Mr. Johnston, Mr. Anderson, Mr. Mac Mahon, Dr. Evans, Mr. Mitchell. Mr. Haines, who is a party to and an active promoter of the Address of the Legislative Council, was also a member of the Government:

32. In that year, an Act (No. 144) which increased certain duties of customs and established new duties was passed. The Resolutions upon which it was founded were voted by the Assembly on the 17th January in that year ; the collection of the duties commenced on the following day, the 18th. The Bill based on these Resolutions was sent up to the Council on the 4th March. Disputes arose between the two Houses in consequence of an attempt by the Council to amend the Bill, and the Bill did not finally pass the Council until the 27th May.

33. During the four months which had elapsed since the Tariff Resolutions had been passed by the Assembly, and for the further period to the 18th June, when the Bill received the Royal assent, the new duties (both original and augmented) were collected by the Customs Department under the Ministry of Mr. O'Shanassy, without one syllable of objection being uttered by any Member of either House.

34. But this is not the only precedent of the kind which the year 1862 affords. On the 11th June, Resolutions were agreed to in the Assembly for increasing the duties on opium, and the Bill was read a first time on the 12th, and a second time on the 13th of that month. On the 17th Mr. McCulloch inquired why the increased duties had not been collected from the time the Resolutions for the increase had passed the Assembly. I beg to inclose a copy of the reply given by Mr. Anderson, the Commissioner of Trade and Customs, and one of the gentlemen who have ventured to sign the inclosed address to Her Majesty, together with the copy of a further statement made by Mr. Anderson upon the same day in moving the third reading of the Bill.

35. From these speeches it will be seen that Mr. Anderson apologized, on behalf of the Government, because the Collector of Customs had not put the duties in force on the morning of the 12th June, the day after the Resolutions were passed by the Assembly ; and actually proposed that "those persons who had paid short duty on the 12th June should be proceeded against for the recovery of the difference between the old and the new duty." Now, all this occurred in a case in which the Bill itself was very nearly lost in the Council, for it was only carried in that Chamber by a majority of 2, in a House of 20 ; and that after the Representative of Mr. O'Shanassy's Government, Mr. Mitchell, had been obliged to offer similar explanations to those given in the Assembly, and had stated that there was "every reason to believe that the Government would be able to recover the duties, as the importers were substantial people." So fully, in fact, was the

rule of collection from the date of the Assembly's Resolution considered to be established, that a Member of Council who voted for the rejection of the Bill was actually the person who took the Government to task for not having enforced the collection of the increased duties on the morning of the 12th June.

36. It will be a remark not inapposite to the charge which Mr. O'Shanassy, with the Members of his late Government, and other persons who were Members of the Legislature at the time alluded to, have preferred in the inclosed Address, to the effect that I have sanctioned similar proceedings on the part of the present Ministers, if I call attention to the fact that, so far from the interposition of the Governor personally being considered necessary in the matter, Mr. Anderson indicates very clearly that the expectation that even the Minister of Trade and Customs should primarily give directions on the subject was rather an infringement upon his official dignity. However, he had "issued an order," he says, "to the effect that whenever any motion affecting the Customs revenue should be placed on the notice paper, the Secretary of Customs should attend the House and see what became of the motion; and if it passed, at once communicate with the Commissioner of Trade and Customs, and ascertain whether he had any instructions in relation to the matter. He (Mr. Anderson) considered it his duty to do the political—not the departmental business of the Customs Department."

37. Upon this point I may further observe that most of these gentlemen are, from their personal experience, fully acquainted with the fact that the occasions on which the authority of the Governor in Council is required in the conduct of the business of the Customs Department are designated in the laws relating thereto; and that no responsibility of this nature, other than that so prescribed by law, has ever been assumed by the Governor since the establishment of Constitutional Government.

38. Mr. Wood, as the Minister of Justice, and Mr. Ireland, as Attorney-General, were the Crown Law Officers of Mr. O'Shanassy's Ministry in 1862, and upon them it specially devolved to take care that nothing "unconstitutional or illegal" was done by the Government.

39. Mr. Fellows was also in the Legislative Council, and would, I presume, if for no other reason, certainly in that special character which seems to be attached to him, as the guide of that Body in legal questions, have denounced the collection of the duties under Resolutions of the Assembly as illegal, if he had at that time been of opinion that such was the case.

40. The position of these three Barristers is simply this:—in 1862, in their public capacities, they advised or connived at the collection of the duties under Resolutions of the Assembly, while in 1865 they are not only found impeaching the Governor for not actively and unprecedentedly interfering to prevent the collection, but they are ministering to their own personal and pecuniary profit by conducting actions brought against the Government under their advice, to the effect that such collection is contrary to law, and altogether without adequate authority.

41. Besides the gentlemen I have named as members of the Government in 1862, Messrs. Aspinall, Brooke, Greeces, Humffray, Houston, Loader, and Strachan, were Members of the Legislature in that year, and acquiesced without remonstrance in the course thus taken by the Government.

42. But perhaps there is no case which will more completely exhibit the spirit of political intrigue in which this representation to Her Majesty originates, than the fact that the signature of Mr. O'Shanassy is appended to it. This gentleman now accuses me of sanctioning illegal and unconstitutional proceedings on the part of my Ministers, being "the several Acts of the Government" described in the Address.

43. I beg to invite your perusal of the accompanying speech delivered by Mr. O'Shanassy in the House of Assembly so recently as the 26th of September, when the Address of that Body thanking me for the steps I had taken to maintain the public credit was under discussion.

Without troubling you with the numerous remarks which a reference to that Speech suggests, I will merely point out that Mr. O'Shanassy deprecated the very idea of recognizing the Governor independently of his Ministers, refused to believe that my messages to the Council and Assembly emanated from any other source than the Ministers, declared that the Governor was "always assumed to do every act which his Ministers advised him to do as long as he believed that advice was legal and constitutional, and when he ceased to believe that, he relieved himself from his responsibility, by dismissing his Advisers and calling in new ones: that the proper course, therefore, was not to blame the Governor for his acts, but to assail the Ministry," &c.; and although the acts on the part of the Government, which he now complains of, had been already done, when all this was uttered, he ridiculed the idea of thanking the Governor, as proposed by the motion unde

discussion, observing, "Why thank his Excellency for acting on the advice of his Ministers, which he was bound to do?"

44. It will be no matter of surprise if, after this proof of what Mr. O'Shanassy's opinions were declared by himself to be in September, I denounce his formal inculpation of me in the address to Her Majesty two months afterwards as utterly inconsistent, insincere, and unconstitutional.

45. I could adduce similar proofs of the unworthy nature of this representation to Her Majesty on the part of other gentlemen who have signed it; but having disposed in this respect of the more prominent leaders, although not, I believe, the instigators of the conspiracy, I deem it unnecessary to take up your time in detailing those proofs.

46. There is one point, however, to which I will beg leave to advert. It is asserted in the address that "almost every Barrister of standing in the colony" has given his opinion that the Government have not "legally the power to enter into contracts binding for purposes of a public nature and necessary for carrying on the proper functions of Government, including contracts to borrow money for the payment of existing legal public liabilities," in the absence of an Act of the Legislature specially authorizing such contracts.

47. It will scarcely be believed that self-complacency, if not effrontery, could go so far as you will perceive that in this instance it has reached, when I state that three out of the five legal gentlemen whose opinions on this point have been published, and who are designated as "almost every Barrister of standing in the colony," are the identical Messrs. Ireland, Fellows, and Wood, whose names are attached to the Address to Her Majesty. I am obliged to add that my inquiries on the subject do not justify me in believing that the opinions of the gentlemen who tender this modest testimony to their own position and standing, however much those opinions may be esteemed in cases of an ordinary nature, bear by any means, in questions of a mixed political and legal character, the high value which they themselves, and their co-petitioners, attach to them.

48. In fact, certain opinions which the Barristers referred to lately gave upon a question of this character, arising out of the Land Acts, and which led to numerous actions in which they were concerned as leaders, were proved by the decision of the Judge before whom they were tried to be altogether worthless.

49. I have had occasion in my despatch No. 127,* paragraphs 40, 41, and 42, to point out two grounds upon which it appeared to me that the opinions of these gentlemen on the question of the Loan are based upon erroneous data, and I now add that the assumption that the Government cannot make contracts which are regarded as binding by the Courts of Law, without an express Act of the Legislature, is proved to be unfounded by the experience of every day.

I would request your attention to the accompanying copy of a Minute from the Treasurer, which I believe correctly describes the system which has long been and is now in operation in the colony.

50. It is, of course, very rarely that actions on contracts are brought against the Government, but the accompanying list is sufficient to establish the fact that the inherent right of the Government to make contracts in reliance upon the sanction of Parliament is recognized by the Colonial Courts.

51. The observations of the Chief Justice in the second case mentioned in the list, assuming them to be correctly reported, would alone be conclusive on the point.

52. The animus with which Mr. Ireland's opinion upon the question of the Loan was given, is manifest from the terms in which it is couched; asserting, as he does, that the mode by which it was proposed to effect the Loan would, with its attendant circumstances, amount to a "conspiracy," and a "high crime and misdemeanour," and adding that an application would lie to the Supreme Court under the 13th Section, 15 Vict., cap. 10, for "leave to file a criminal information in the name of the Queen against *all parties* implicated in such a transaction."

53. This offensive language was employed in reply to the simple inquiry "whether it would be safe and proper for the bank to accede to the proposal of the Government as contained in the said letter (that of the Treasurer referred to in my despatch No. 116), and generally how the bank should act in the matter."

54. It was no doubt this opinion which induced the parties who set on foot the proceedings noticed in the 5th paragraph of my despatch No. 130† of the 24th of October last, for filing a criminal information of the nature referred to, to consider Mr. Ireland an eligible barrister to be applied to, in conjunction with Mr. Wood, for advice as to the best and surest mode of carrying their intention into effect. They did at any rate apply, and I believe were in fact advised by both of these gentlemen; the conclusion being that

a criminal information would not lie against the Governor, however successfully such a course might be put into operation as against the Ministers.

55. I have considered it desirable to offer these observations at greater length than my justification against accusations to which I have in truth replied in former despatches requires, because there can be no doubt that the real object of the Address to Her Majesty is to make an impression upon persons in England connected with and interested in the Colony, in order that they may found thereon representations to Her Majesty's Government, and not improbably instigate statements and inquiries in the Imperial Parliament.

Copies of the Address were prepared in the form of which I inclose a specimen, before the departure of the last mail, and it was also noticed in the packet summary of the "Argus" newspaper, as having been published in the columns of that journal, where it appears in a similar form, as regards the signatures, to that adopted in the inclosure.

56. But I must now reverse the position in which the gentlemen who have signed the Address and I, as Her Majesty's Representative, have stood in relation to each other in this matter.

57. I accuse these gentlemen, one and all, of conduct highly discreditable to them as members of the Executive Council of this Colony; and I respectfully submit my opinion that they have proved themselves to be unfit to hold Her Majesty's Commission in that capacity, and to enjoy the precedence and distinction which attach to it.

58. I might rest this opinion solely upon the fact that the course which they have pursued amounts to a treacherous conspiracy against the Governor.

59. Having already made their accusations in other capacities, they now approach Her Majesty to reiterate them, avowedly as members of the Executive Council, and therefore with all the prestige and weight and influence which may be considered to attach to that position.

60. But if they claim the influence and other advantages which their commission may afford to them, they are surely bound to accept and exercise the corresponding duties and responsibilities; and I ask if it is possible to reconcile with the lowest conceivable sense of those duties and responsibilities, the fact that they should have allowed the acts which they now declare to be "illegal and unconstitutional," and denounce the Governor for having sanctioned, to extend over a period of three months, and to have abstained during the whole of that time from the slightest effort to convey their opinions to the Governor—not in debate, as members of an irresponsible body, not as promoters and subscribers of public petitions, and as orators at the meetings at which those petitions were adopted, but each, on his individual responsibility as an Executive Councillor, and with a tender of the reasons upon which his opinion was founded.

61. However little they might be expected to attempt an interference with the legitimate advisers of the Governor in questions of pure domestic policy, yet if it is competent to them, as members of the Executive Council, to approach Her Majesty for the purpose of invoking censure upon the conduct of her Representative, it is clearly competent to them also respectfully to call her Representative's attention to the acts which appeared to them to deserve such censure, more especially when they profess to consider those acts to be illegal and unconstitutional.

62. But although not one of these gentlemen has attempted to warn or caution, or counsel me, in the somewhat difficult position in which I have been placed; while not a few have, by their conduct, in various capacities, materially increased the embarrassment attending that position; yet they have all felt themselves at liberty, at the close of a period of three months, and upon the eve of the departure of a packet, to combine in misrepresenting my proceedings to Her Majesty, and in circulating their misrepresentation amongst persons connected with the Colony in the Mother country.

63. I may here observe, that there is not wanting a well-known instance, even in the short history of responsible Government in this Colony, in which advice has been tendered, in the spirit I have described, by a member of the Executive Council not in office; and, although it was not adopted, that advice received due consideration from the Governor.

64. I have designated the Address to Her Majesty as a misrepresentation of my proceedings; and I now proceed to show, in addition to what I have already stated, that I am fully warranted in the use of that expression, and that the conduct of the petitioners on this ground alone is deserving of the severest reprobation.

65. It may, perhaps, be permitted to irresponsible bodies, and to private individuals, however little creditable to either, to present their alleged grievances in the form of *ex parte* statements; but I respectfully submit that persons approaching Her Majesty, in the capacity of Executive Councillors of a Colony, solemnly to impeach Her Majesty's

Representative, are not only bound to state nothing which cannot be proved to be consistent with truth; but that it is also incumbent upon them to suppress no fact or circumstance which is essential to the full and fair representation of the Governor's conduct, and which, if not brought to Her Majesty's notice, would render such a representation absolutely untrue and deceptive.

66. I charge the members of the Executive Council who have addressed Her Majesty in this instance with having suppressed—and wilfully suppressed—every material fact and circumstance upon which it is well known that my justification of the proceedings they impugn is based.

67. They have suppressed the fact that, before any attempt was made to sustain the public credit in the absence of an Appropriation Act, although supported by an Address from the Assembly, which amounted to an unlimited vote of credit for that purpose, I endeavoured, to the full extent of the means which were constitutionally open to me, to bring about a reconciliation and good understanding between the two Houses.

68. They have suppressed the fact that the particular measure adopted for sustaining the public credit received the full sanction and approval of the Assembly.

69. They have suppressed the facts: (1), that all the precedents on record show that duties of Customs have been invariably collected from the day they were voted by the Assembly; and (2), that there is no precedent to show that the active and personal interference of the Governor has ever been given or invited in such matters.

70. They have suppressed the fact that when the Legislative Council “laid aside” the Tariff *cum* Appropriation Bill, that Body expressed their readiness to consider the Tariff when sent up as a separate measure, and that, therefore, the Council did not finally reject the Tariff on that occasion.

71. They have suppressed the fact that contracts made by the Government in reliance upon the subsequent sanction of an Act of the Legislature, are regarded throughout the Colony as legitimate and binding, and have been recognized by the Courts of Justice as such; and the unfairness of this suppression is aggravated by the object it is meant to serve, namely, to support the assertion in the Address that the application of the Act for the enforcement of claims against the Crown to the purpose of repaying the loan, was a proceeding which they offensively designate as “collusive,” or fraudulently concerted between myself and my Ministers, on the one part, and the Manager of the London Chartered Bank of Australia on the other.

72. I am sure, Sir, I am warranted in saying that if a course of conduct in public affairs, far less dishonest than that I have described had been pursued by officers of Her Majesty's Navy, Army, or Civil Service, or by Executive Councillors in a Colony where these functionaries are appointed entirely by selection, the penalty would have been a forfeiture of commission and of office.

73. I have felt, no doubt, that a vindication of public morality calls for the adoption of that course in the present instance, and if it had not been that under existing circumstances, and at the period of a general election, when many of these gentlemen are candidates for a seat in the Legislative Assembly, the object of such action on my part would have been liable to great misapprehension, I should have suspended them all from office until Her Majesty's pleasure were known.

74. Whatever course, in the exercise of your judgment, you may see fit to advise Her Majesty to adopt, it is impossible that the relations between the petitioners and myself can, in the face of this conspiracy, be such as ought to subsist between the Governor and gentlemen holding the commission of an Executive Councillor, whether occupying or not occupying responsible office, and it is at least to be hoped that the future course of political events may never designate any of them for the position of a confidential adviser of the Crown, since it is impossible their advice could be received with any other feelings than those of doubt and distrust.

75. Nor can it, I think, fail to be apparent that these extraordinary proceedings raise the far from unimportant question, whether it is expedient to continue a system of honorary distinction, which it has thus been endeavoured to convert, if not into an absolute power, at least into an organised influence upon public affairs, without any responsibility on the part of those who exercise it, either to the Crown or to the people.

I have, &c.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

(Signed) C. H. DARLING.

Inclosure 1 in No. 24.

ADDRESS from Persons who have been Members of the Executive Council and Cabinet Ministers since the introduction of Responsible Government.

To Her most Gracious Majesty the Queen.

WE, the undersigned Members of the Executive Council of Victoria, having been Cabinet Ministers in various Governments since the introduction in 1855 of responsible Government into this Colony, desire to approach your Majesty with the expression of every feeling of devoted loyalty, duty, and affection.

Brought up from infancy under the fostering influence of the British Constitution, which, in our manhood, we have learned to love and revere; and firmly convinced that the true liberties and happiness of a people are dependent upon the proper exercise of the powers conferred upon the Government under such a Constitution, we venture to express to your Majesty our regret that those powers have been improperly exercised in Victoria, and that Constitutional Government has been departed from.

We desire to call your Majesty's attention to the differences which have unfortunately arisen between the two Houses of Legislature, and to the acts committed by your Majesty's Ministers in Victoria, with the sanction and concurrence of your Majesty's Representative. Those acts and differences have been very fully brought under your Majesty's notice in addresses from the Legislative Council, the Chamber of Commerce of Melbourne and Ballarat, and from the community at large.

We have hesitated hitherto to address your Majesty on the subject, lest our motives should be misconstrued. But we think any further hesitation in expressing our views on the doings of your Majesty's Ministers would be culpable, when we see from week to week acts committed under the authority and sanction of the Government, which we attempt in vain to reconcile with the exercise of Constitutional Government and with the respect and obedience which all your Majesty's subjects owe to the law.

Under the assumed authority of resolutions of the Legislative Assembly, passed in the beginning of this year, Duties of Customs were collected by the Government for nearly six months, without any Bill having been introduced for obtaining the concurrence of the other House of Legislature; and when at length such a Bill was introduced, it was tacked to the Annual Appropriation Bill, and in that form sent to the Legislative Council, and when that Bill was laid aside by the Legislative Council, on the ground that it was an interference with their privileges and independence, the new Customs Duties continued to be collected as before.

At this period several petitions were filed in the Supreme Court, under an Act of the Legislature of Victoria "for enforcing claims against the Crown" to recover back some of the duties which had been so collected, and on demurrer raised by the Attorney-General to some of the pleadings of the Judges of the Supreme Court, decided that the demanding of duties under the mere resolutions of the Legislative Assembly was illegal.

Notwithstanding this decision, the Government continued collecting those duties as before.

Notwithstanding Acts of the Legislature imposing certain duties on tea, sugar and opium, and upon gold exported from the Colony, the Government lately published a notice that they would only collect the Duties upon those articles at the reduced rates fixed by the resolutions before mentioned, and they neglect or refuse to demand bonds or other securities for the payment of the balance, whereby the revenue is defrauded, and the law is openly disregarded and set aside.

Notwithstanding the 44th and 55th sections of the Constitution Act, which require that the "Consolidated Revenue should be appropriated to such specific purposes as by any Act of the Legislature shall be provided in that behalf;" and notwithstanding the 24th and 25th Sections of an Act of the Legislature of Victoria, No. 86, "for the Collection and Payment of the Public Moneys, the Audit of the Public Accounts, and the Protection and Recovery of the Public Property," which provide that no sum shall be paid out of the Public Account, unless it shall have been first certified by the Commissioners of Audit to be "legally available" according to the appropriation thereof, upwards of half a million sterling have been drawn out of the Public Account by the Government in evasion of those laws; and the Government have sought to legalise such evasion, by allowing judgments to be obtained, under the Act "for the Enforcement of Claims against the Crown," in actions collusively brought and prosecuted against your Majesty for the recovery of sums advanced by the London Chartered Bank to the Government, without any sanction direct or implied of the Legislature.

While we do not doubt that this whole proceeding was illegal and unconstitutional, we assert that it was altogether unnecessary and unjustifiable, for the purpose as was alleged of maintaining the Public Credit; for the Legislative Council, in an address to the Governor, distinctly stated their willingness to pass the Annual Appropriation Bill, if sent up to them in the usual manner.

We further desire to bring under your Majesty's notice the following statement, made by his Excellency the Governor on the 28th September, in reply to an address from a meeting of the citizens of Melbourne:—"It thus appearing that there was no power of directly applying the Public Revenue itself to the purpose for which it was granted, the first obvious expedient to prevent the injurious consequences which would inevitably follow from the continued suspension of the Public Payments, was to borrow money, if possible, for the discharge of the liabilities of Government. On this point I shall only observe, that independently of the authority which I possess from Her Majesty, 'to take order for the present' in regard to 'anything' which may be for the advantage and security of the Colony not provided for in the Governor's Commission and Instructions, I have the opinion of the able Members of the Bar by whom the Crown in this Colony is at present advised, that her Majesty's Local Government has legally the power to enter into contracts binding on the Crown, for purposes of a public nature, and necessary for carrying on the proper functions of Government, including contracts to borrow money for the payment of existing legal public liabilities."

While we believe that in administering the Government of this Colony, his Excellency has no authority from your Majesty to "take order" for the present in regard to "anything which may be for the advantage and security of the Colony not provided for in the Governor's Commission and Instructions," unless in conformity with the laws in force we do not doubt, and we are fortified in our view by the opinion of almost every barrister of standing in the Colony, that the Government have not "legally the power to enter into contracts binding on the Crown, for purposes of a public nature, and necessary for carrying on the proper functions of Government, including contracts to borrow money for the payment of existing legal public liabilities," in the absence of an Act of the Legislature specially authorising them.

Our complaint is, and we desire to convey it to your Majesty with all dutiful respect, that these illegal acts could not have been committed, much less persisted in, if his Excellency the Governor had not given them the sanction of his authority.

Sincerely thankful for the Constitution conferred upon us by your Majesty under the authority of the Imperial Parliament, and believing that the colonists of Victoria are competent to deal with all questions of Colonial policy, we desire to appeal to your Majesty only on the point, whether your Majesty's Representative should have lent the sanction of your Majesty's name to the several acts of the Government which we have above described. And we humbly pray that your Majesty will take such steps as in your Majesty's wisdom may appear necessary for maintaining the Constitution in its integrity, and for securing the due observance of the law.

And we, your Majesty's Petitioners, as in duty bound, will ever pray.

(Signed)

CHARLES SLADEN.
THO. HOWARD FELLOWS.
J. B. HUMFFRAY.
R. D. IRELAND.
HIBBERT NEWTON.
JOHN O'SHANASSY.
DAVID MOORE.
J. DENNISTOUN WOOD.
AUGUSTUS F. A. GREEVES.
J. H. BROOKE.
GEO. S. W. HORNE.

W. H. F. MITCHELL.
ROBERT ANDERSON.
J. S. JOHNSTON.
JAMES SERVICE.
B. COLE ASPINALL.
JOHN R. BAILEY.
JAMES F. STRACHAN.
C. MAC MAHON.
THOMAS LOADER.
JOHN HOUSTON.
GEO. SAM'L. EVANS.

Memorandum of the names of the persons who have been members of the Executive Council and Cabinet Ministers in Victoria, since the introduction of Responsible Government (exclusive of those resigned or deceased.)

Mr. McCulloch.	Mr. Anderson.
„ Higinbotham.	„ Aspinall.
„ Michie.	„ Bailey.
„ Verdon.	„ Brooke.
„ Grant.	Dr. Evans.
„ Francis.	Mr. Fellows.
„ Sullivan.	Dr. Greeves.
Captain Clarke.	Mr. Horne.
„ Pasley.	„ Houston.
Mr. Duffy.	„ Humffray.
„ Childers.	„ Ireland.
„ McCombic.	„ Johnson.
„ A'Beckett.	„ Loader.
„ Chapman.	„ Moore.
„ Brodie.	„ Mc Mahon.
„ Ebdon.	„ Mitchell.
„ Pyke.	„ Newton.
„ Sitwell.	„ O'Shanassy.
Sir J. F. Stawell.	„ Service.
Mr. Molesworth.	„ Strachan.
„ Harker.	„ Sladen.
„ Miller.	„ Wood.
„ Haines.	

N.B.—Of these forty-five gentlemen, twenty-two signed the above Address, eleven are absent from the Colony, two are Judges of the Supreme Court, three were unwilling to sign, and the remaining seven are the present Ministers

Inclosure 2 in No. 24.

EXTRACT from Debates in the Legislative Assembly of Victoria, June 17, 1862.—
(Victorian “Hansard,” vol. viii, p. 1334.)

“MR. ANDERSON observed, that on Wednesday evening, when the House passed the resolution affirming the propriety of increasing the duty of opium, he was under the impression that it was the duty of the Collector of Customs immediately to take action upon it, and that that officer would at once put the resolution in force. Owing to the House having sat till 1 o'clock, their previous sitting having lasted till 3 or 4 o'clock on Tuesday morning, and owing also to the fact that he had removed his residence to Kew, he did not reach the Custom-house on Thursday morning until a quarter-past 11 o'clock, and then he found, very much to his mortification, that the Collector had not put the resolution in force. On inquiring the reason why, the Collector stated that he did not consider himself justified in putting in force the resolution, because he had nothing but the newspaper report to act upon, whereas he required the order of the Commissioner for the purpose. He (Mr. Anderson) ascertained that five entries had passed at the old rate of duty, and that the amount lost to the revenue was the same as stated by the Member for Mornington. He thought that the statement of the Collector of Customs justified that officer, and consequently he (Mr. Anderson) was prepared to take upon himself any blame attaching to the affair. However, he had issued an order to the effect that whenever any motion affecting the Customs revenue should be placed on the notice paper the Secretary of Customs should attend the House and see what became of the motion, and, if it passed, at once communicate with the Commissioner of Trade and Customs, and ascertain whether he had any instructions in relation to the matter. He (Mr. Anderson) considered it his duty to do the political, not the departmental, business of the Customs Department.”

Inclosure 3 No. 24.

EXTRACT from Debates in the Legislative Assembly of Victoria, June 17, 1862.—
(Victorian "Hansard," vol. viii, p. 1337.)

"MR. ANDERSON remarked that the last clause of the Bill provided that the Act should come into operation on and from the 12th day of June. He intended to submit to his colleagues that those persons who had paid short duty on the 12th of June should be proceeded against for the recovery of the difference between the old and the new duty."

 Inclosure 4 in No. 24.

EXTRACT from Debates in the Legislative Assembly of Victoria, September 26, 1865.—
(Victorian "Hansard," vol. , p. 1371.)

Mr. O'Shanassy commented on the singular fact, that two series of resolutions had been proposed, neither of which pointed to any practical solution of the difficulties they referred to. In listening to the honourable members who had submitted the resolutions, more especially the one who appeared to hold a semi-official position, he had been unable to ascertain the real objects they had in view. The member for Rodney shook his head at the allusion to his semi-official position, but no one acquainted with Parliamentary debates and Parliamentary proceedings could disguise from himself that both now and on former occasions the motions introduced by the honourable member had the air of semi-official productions. On the former occasion he was out of town, or he certainly would have attended, to give his reasons against the very extraordinary course which the honourable member then proposed. On that occasion, the honourable member for the first time introduced into Parliament the name of the representative of Her Majesty, and by this action he had done his Excellency a very serious wrong. Up to that time his Excellency occupied his proper constitutional position—that of being disassociated altogether from party questions and party politics; for the same rule should apply to his Excellency, as near as circumstances would permit, as applied to the person he represented, Her Majesty the Queen, and it was well known that the Queen's name was not allowed to be introduced with a view of influencing Parliamentary debates. The introduction of the Governor's name, in violation of this rule, had necessarily led to his being placed in a position not at all pleasant. Had the honourable member done what he ought to have done—submitted resolutions declaring that the House had confidence in the Ministry, and in its manner of conducting the business of the country—this difficulty would have been avoided, and his Excellency's name would not have been discussed, as it had been, out of doors. He mentioned these matters because, though he had no desire to mention his Excellency's name, it was impossible to abstain from doing so now that it had been so prominently thrust forward. As he took it, the rule that the Queen could do no wrong, because she acted on the advice of her Ministers, who were responsible for that advice, applied here. The Governor was always assumed to do every act which his Ministers advised him to do, so long as he believed that advice was legal and constitutional; and when he ceased to believe that, he relieved himself from his responsibility by dismissing his advisers and calling in new ones. The proper course, then, was, not to blame the Governor for his acts, but to assail the Ministry; and as a member of the community he did regret that an example should have been set in that House of departing from this constitutional practice, by introducing his Excellency's name into party politics. This was most injudicious, because it placed the Queen's representative in a false position, and because it arrayed hostile feelings against him out of doors. The Governor ought neither to be assailed nor commended for acts which were not his own, but those of his responsible advisers. The only exception to this general rule was, when his Excellency was called upon to discharge secondary duties under instructions regarding purely Imperial subjects. Where he did that, the Governor was not responsible to the colonists, excepting that, in common with all British subjects—in common with the people of Cornwall or of Dublin—they could express their opinions whether his acts were rightfully or wrongfully done. Yet, in the face of all this, he found the honourable member for Rodney moving an address on a former occasion, calling upon the Governor to do what? Why, to "take the advice of his responsible Ministers." This was nothing less than an assumption that responsible government was at an end, and that his Excellency had declined taking the advice of his Ministers. It was a wrong to the country and to constitutional government to adopt such an address;

and it was a wrong to his Excellency to suppose that he had not taken his Ministers, advice, nor adopted the alternative of dismissing them. It was wrong, also, to bring any such influence upon the House, because, the question at issue was one not affecting Imperial interests, but was solely connected with the internal politics of the colony, and was one, therefore, in which the Governor's name ought not to be mixed up. He would assume, however, as a fact, that the documents presented to both Houses were not in reality the emanations of the Governor's own personal mind, but were documents advisedly, deliberately, and calmly prepared, in the ordinary way, by his Ministers; that the messages which had been received were the Ministers' messages—just as the Governor's speech at the opening of the Session was the Ministers' speech. He would comment on the messages, in short, without regard to the common fallacy propagated by the newspapers, that he was discussing something which the Governor had written, and what did he find? On the 29th of August, the Governor, as the Ministerial mouthpiece, declared,—

“The Governor has never failed to give respectful attention to the opinions and advice of his responsible Ministers.”

Of course his Excellency had not. That was a fair statement of the case he had put to the House. The message went on to say:—

“The Governor now desires to assure the Legislative Assembly that he is prepared to take into his earnest consideration any measures his Ministers may recommend, whereby, in the exercise of his legal and constitutional powers, it may seem possible to alleviate the existing pressure upon the civil servants and the public creditor, resulting from the delay which has occurred in the passing of the annual Appropriation Bill. But the Governor must beg to remind the Assembly that, so long as the 44th and 55th sections of the Constitution Act, and the 24th and 25th sections of the Act 22 Vic., No. 86 (Audit Act Amendment), remain in force, it is not competent to him to sanction the issue of money from the public account, either for the payment of the salaries of civil servants or for any other object, unless the amount required is rendered ‘legally available’ by an Act duly concurred in and passed by the three branches of the Legislature.”

Up to this period both Houses had been assuming that they together were the entire Legislature; but his Excellency, on the advice of his Ministry, now corrected this opinion, and brought his own functions into play as one of the branches of the Legislature. His Excellency, acting on the advice of his Ministers, said, in fact, that although it was a serious and important thing to leave the civil servants unpaid, yet he was determined to abide by the law, and two Acts of Parliament stood in the way of paying them.

Mr. Higinbotham.—From the public account.

Mr. O'Shanassy said that anyone reading the message according to the rules of common sense would find a statement that the law prevented the revenue being dealt with. The exception as to “the public account” was a quibble upon words. This document not having served the purpose for which it was written, and the extraordinary address he had alluded to having been presented to his Excellency, another message, dated the 5th of September, was transmitted to the Legislative Council. In this document the passage occurred,—

“And the Governor now acquaints the Council, in reply to their expression of confidence as to the course which the Governor would take, that, without violating either the letter or spirit of the laws, he has, with the advice and concurrence of his responsible Ministers, succeeded in making temporary and provisional arrangements for meeting the inevitable pecuniary liabilities of the Government in the present emergency.

Now, looking at the contradiction in terms between this message and the one presented only six days before, looking at the reasonable expectation of plain dealing between two branches of the Legislature, it was to be expected—and he trusted that the Government would personally repair the omission that evening—that it would be stated how long this “temporary and provisional arrangement” was to last. The first message declared that the revenue was not available without an Act sanctioned by the three branches of the Legislature, and the second, framed only six days afterwards, declared that the difficulty could be overcome—that the restrictions of the Audit Act and the Constitution Act could be disposed of. Surely, however, it would have been more candid to have stated this in the first instance. The Governor was then made to declare that—

“Believing, as he does, that similar misunderstandings will occasionally recur, and that there is no power or authority whatever which can conclusively decide disputes between independent legislative bodies—not as to whether rights or powers are possessed, but whether, being possessed, they have been wisely or properly exercised—the Governor can only cherish the hope that, for the sake of the public interests, the period during which it may be deemed necessary in the present instance to maintain a suspension of intercourse

between the two Houses, in vindication of the privileges and dignity of either, may be rapidly approaching to its close."

This statement having been put into the mouth of the Governor by the Ministry, and no overture having as yet been made by the Council, though an attempt to obtain one had occurred, surely the time had arrived for some more practical solution than another vague series of resolutions. What did the member for Rodney propose to do? Why, thank his Excellency for acting on the advice of his Ministers, which he was bound to do; and then—

"To assure his Excellency that this House will always be prepared to afford its fullest and most cordial support to his Excellency's Government in its efforts, by all such legitimate and constitutional measures as may under existing circumstances be necessary or expedient, to preserve and maintain order and good government in the colony."

What, he would like to know, was the practical meaning of all this? Was it anything more than the Legislature was in favour of law and order, the things it was constituted to maintain? As to the honourable member's third paragraph—

"Informing his Excellency that this House deeply regrets that the Legislative Council has not as yet taken any steps with the view of realizing the hope expressed to it by his Excellency, that active legislation in regard to the finance of the colony may be promptly resumed"

he could see little use in stating as facts what many members and a large portion of the country would deny were such. The members of the Council knew the facts of the case as well as honourable members did, and it was not to be supposed that they would accept Ministerial views in this indirect form. If the Ministry desired to communicate with the Council, had they not a representative in that body? and had not a member unconnected with them recently offered a compromise on their behalf, and a compromise of a very different kind to the one suggested to themselves that evening? Besides, the country was tired now of these roundabout modes of dealing with the question; the constituencies expected their representatives to find a practical solution. With regard to the fourth resolution—

"Desiring that, in the peculiar situation in which the colony is now placed, his Excellency will be pleased to transmit the proposed address to Her Majesty's Principal Secretary of State for the Colonies for his consideration."

Mr. Macgregor rose to a point of order. He had not proposed this resolution, and therefore it was not before the House, and could not be debated.

Mr. O'Shanassy said, at all events, the resolution was on the notice-paper, and having put it there, he could not see why the honourable member should be ashamed of it. As one of those who had taken a part in the framing of the Constitution Act, he would be ashamed to see the House placing itself in such a ridiculous position, at this early period of its history, as appealing to Her Majesty's Principal Secretary of State for the Colonies to solve a financial difficulty which the two branches of the Legislature ought to solve themselves. (Hear, hear.) He believed that there was public spirit enough in both Chambers to meet this small difficulty, and much greater difficulties if they arose. The cause of the continuance of the difficulty seemed to be really a question of pride more than anything else. If it were a difficulty concerning the raising of 4,000,000*l.* or 5,000,000*l.* of taxes, or of deciding who should bear the brunt of the taxation of the country, he could understand it; but, after, all, what was the difficulty? Resolutions had been passed for raising by Customs' duties a sum of money which was very small in comparison with the general revenue of the colony, and those resolutions had been tacked to the ordinary Appropriation Bill of the year. That was the whole difficulty; and the two branches of the Legislature could settle the difficulty without an appeal to any tribunal. How did the honourable member for Rodney propose to solve the difficulty? The honourable member, who was evidently the mouthpiece of a party, said that the difficulty was this, the Legislative Council had laid aside the Bill, and that they ought to restore it to the paper, and either pass it or reject it, and that until the Council adopted that course the Assembly had a right to continue to levy taxes merely on its own resolutions. The honourable member had said that there was no other proper course for the Council to adopt. (*Mr. Macgregor*.—"Under the Constitution Act.") He understood the honourable member to argue that, although the powers of the Legislative Council as to money bills were contained in the 56th clause of the Constitution Act, yet at the same time they possessed the powers of the House of Lords. He (*Mr. O'Shanassy*) did not wish to appeal to the Speaker, because he thought that on questions of state policy, and questions which were likely to excite political hostility, the House should avoid appealing to any executive officers, whether the Governor or the Speaker; but if he were inclined to appeal to the Speaker as to what was the practice of the House of Lords as to laying aside

Bills, he should do so with confidence. Laying aside Bills was simply a courteous mode adopted by one House of stating that it could not pass a Bill in the form in which it had been submitted to it; and as such he regarded the action of the Council in laying aside the Appropriation-cum-Tariff Bill. But the honourable member for Rodney was only raising a technicality. What would he have done if the Council had rejected the Bill, instead of laying it aside?

Mr. Macgregor said that if the Council had rejected the Bill, the responsibility would have been thrown upon the Assembly of providing some other ways and means for the revenue.

Mr. O'Shanassy remarked that if the Council had rejected the Bill, the honourable member for Rodney would have sent up the Appropriation Bill by itself. (*Mr. Macgregor.*—"No.") He might inform the honourable member of a fact of which he did not seem to be aware, that the ways and means provided in the Appropriation Bill would not meet the expenditure voted by the House by several thousand pounds. But, to return to the real question. Why did not the honourable member consider the Bill to be rejected by the Council, as the House of Commons would have done if a similar Bill had been laid aside by the House of Lords? The other day a member of the Upper House, who did not ordinarily represent the Government, had stated, on authority, that if the Council would pass the tariff for the year, the Government would separate the two Bills.

Mr. McCulloch.—No member of the other House had authority from the Government to make such a statement.

Mr. O'Shanassy was glad to get that fact elicited from the Chief Secretary. He, however, heard the question put to the honourable member whether he made the statement on authority, and the reply was that he did. That statement had never been publicly contradicted till the present moment. If the Government would plainly state what their policy was, instead of leaving private members to be the exponent of their views, the Legislature would have the business of the country before it in such a way that it could deal with it officially. The adoption of the motion of the honourable member for Rodney would not bring the country any nearer to a settlement of the difficulty than it was three months ago. When the intention of the Government to tack the tariff to the Appropriation Bill was first announced in the early part of the year, the Council expressed its determination to uphold what it considered to be its legal and constitutional rights. The Government saw that their policy was checkmated, and that the Council would not be coerced. The Government saw a dogged, firm, determined resolution on the part of the Council to stand by its legal and constitutional rights. The Council had done so, and now what was it proposed that the Assembly should do? Why, to address the Governor, and wind up with an observation to the effect that they did not intend to repudiate the agreement made with the London Chartered Bank. (*Laughter.*) What a ridiculous proposition that was, when at the present time the Government had been guilty of repudiation of tenfold magnitude. There was a repudiation of the Constitution Act, and there was a repudiation of the principle laid down in the Governor's message in reply to an address from that House, that the expenditure of public money could not be sanctioned without an Act of Parliament duly passed by the two Houses of Legislature. An attempt was made to impose taxes upon the mere authority of resolutions adopted by one house. If the right of taxing upon the authority of one Chamber could be maintained, why was it not maintained on the broad principle? If it were the intention of the Government that there should only be one Chamber to legislate on financial matters, why had they not the boldness to avow that such was their intention? He contended that such a doctrine was wrong, and that it was never maintained, and never could be applied successfully in any country. (*Mr. Sullivan.*—"Yes.") He challenged the honourable member to disprove his assertion. There had been a discussion on various occasions as to what questions were submitted to the constituencies at the last general election; but it was at all events never submitted to the electors that the country should be taxed and governed by the simple resolution of one House. He had never heard any member, from the Chief Secretary downwards, avow such a policy. It was useless for the Ministry to say that they would coerce the Council to pass this Bill. They had no power to coerce the other House, and they were obliged to resort to subterfuges in order to carry on the Government of the country. The Assembly had, for some time past, been adjourning from week to week, and in the meanwhile the Government had been borrowing money and confessing judgment to action after action. The Chief Secretary had hinted the other night at the probability of a reconciliation between the two Houses, but there was not the least chance of the other House making any overtures. He supposed the Government would adjourn the Assembly, and that next year fresh resolutions would be adopted, and that Customs duties would continue to be collected on the authority of those resolutions alone. In the meanwhile, an appeal

would be made to the Privy Council against the judgment of the Supreme Court, deciding that the collection of duties under the mere resolutions of the House was illegal, and the money would probably have to be returned. Was the legislation of the country to be placed in this unfortunate position? If an urgent necessity arose for the adoption of some legislative enactment, the Council might refuse to adopt it, because its rights had been assailed. If the Council refused to legislate, what could the Assembly do? Nothing. This state of things had been brought about simply because the Government had chosen to adopt the unusual course of tacking two measures together for the first time in the history of the country. If the two bills were separated, the entire difficulty would come to an end. He was sure that the Minister of Justice would agree with him in that opinion. The motion of the honourable member for Rodney was not a practical way of getting over the difficulty. It was absurd to talk about sending home an address to the principal Secretary of State for the Colonies. (An Honourable Member.—“Look at your friends next door.”) He was speaking as a member of the Legislative Assembly; though, if he had been a member of the other House, and the representative of the Queen had joined with the Assembly in assailing the privileges of that House, he might have attempted to obtain redress in the same way in which the Council had done. Reference had been made to what “the organs” (the newspapers) said; but, as a deliberative body, that House ought not to be influenced by the newspapers. Honourable members were not responsible to the newspapers, but to their constituents. The Assembly, in attempting to coerce another branch of the Legislature, because its numbers happened to be larger than those of the other House, or because they were elected by a larger number of persons, were doing what was wrong, and the sooner they retraced their steps, the better for the honour and success of representative institutions. In New South Wales an attempt was made by the Government to get a land measure carried by increasing the number of the members of the Upper House, which was a nominated House. The fact was reported to the Imperial authorities, and what followed? The Governor of New South Wales would not permit any Ministry to take office until it was distinctly laid down that the number of the members of the Upper House should not be increased beyond thirty-one. (Mr. G. V. Smith.—“We have responsible government.”) It was said that the upper House was an elected and not a nominee House. (An Honourable Member.—“Hence the dead-lock.”) If the honourable member thought there was no way of getting out of the dead-lock, he would point out that the difficulty could be solved by the electors of the Upper House electing members who would act as the Assembly wanted them to do. That would be an easier solution of the difficulty. (An Honourable Member.—“It would take seven years.”) Well, if it took ten years, it would be better to accomplish the end in that manner than to do it by unconstitutional means. It was for the very reason that the people of England had taken time to make their reforms that they had earned the gratitude and admiration of the world. (Hear. hear.) The system which was in force in the other colony of which he had been speaking only showed the folly of those who had established such a system, but it did not justify the unreasoning cry raised by persons in this colony, who, because they had got an elective system which did not answer all purposes at once, said—“Abolish it.”

Mr. Vale—Who says so?

Mr. O'Shanassy was glad that some one had asked the question. (Laughter.) Let them look at the foolish folly which had been drawn from the course which had been pursued. It was believed in many quarters that constitutional government was at an end, and that it was the intention of the promoters of the movement to set up a Republic, and repudiate the Queen's ruthority. (An Honourable Member.—“Where do you get that idea from?”) Any one had only to read the papers for half an hour and he would find it. He did not suppose that the members of the present Government had any such ambition; but there were others who might have, and the action of the Government in the present instance might fairly give rise to such apprehensions. He found that a similar measure to that recently sent to the Legislative Council had been rejected in the nominee House of New South Wales by a majority of fifteen to four; and if the constitutional right of rejecting such measures was conceded to a nominee House, surely it could not be denied to an elective body like the Legislative Council of this colony. It was admitted that the Council had the right of rejecting the measures; and if the whole issue was narrowed down to the point that the Council ought to have either rejected or passed the measure, there was an easy way out of the difficulty in restoring the measure properly to the paper. If taxes were to be levied by one Chamber only, there would be no necessity for a second Chamber for the future. Did he understand that honourable members claimed for this Chamber the right of having the whole power of taxation? (Mr. G. V. Smith.—“Only during the session.”) Well, if the session lasted a year, it would

come to about the same thing. He would point out, however, that the country was not capable of raising all the sums of money that were required by taxation merely. It was frequently found necessary to raise loans, and if the Government went to the English market they might find that these disputes were the means of defeating the object they held so dear, viz., that of preserving the credit of the colony. (Hear, hear.) It therefore behoved the members of the Assembly not to set up a doctrine which would be repugnant to the entire British community; for nothing could be more repugnant to the English people than, when there were three branches of the Legislature, for one body to endeavour to monopolise all the power. The House might rest assured that, with such a state of things existing, the British capitalists would not lend their money on colonial securities. He maintained that this House had nothing more to do than to organize a scheme of taxation; and if it asserted the right of levying all taxes without any reference to the other Chamber, it would be asserting something which was not in the written law, and which would operate only to its own disadvantage. Honourable members should bear in mind that it was possible for legislators to assume powers which they did not possess; and for confirmation of this they had only to turn to a neighbouring colony, where the Legislature had passed measures which were clearly in excess of their powers. He had felt it his duty to raise his voice against the course which the Assembly had pursued, but when he found that the House was determined, he had ceased to remonstrate. Now that the step had been taken the House found that it could not advance; and, up to the present moment, no statement had been publicly made in that Chamber as to how it was intended to meet the difficulty which the House itself had created. It was said that the voice of the country was with the House; but there was a very easy method of testing this question, which he would point out had not been placed before the electors at the last general election. This was the course which should be adopted, instead of individual members coming forward of their own will and caprice, and appealing to their constituents. (Hear, hear.) One honourable member had taken that course, and had been sent back to the House; but it could not be said that this was any test of the opinions of the general body of electors. If the members of the Assembly wished to make this the only power in the State, they ought at least first to get the consent of those who had sent them into the House. (Hear, hear.) Putting aside the question as to whether there should be a dissolution or not, he believed that the country was suffering more from the action which the Assembly were pursuing than many honourable members were willing to believe; and, holding this opinion, he had ventured to make these observations, which he trusted would be received in the spirit in which they were offered. He trusted the House would not continue to act upon these addresses, which merely urged them to go on and on indefinitely, and would neither satisfy the community nor settle the question. For these reasons he should oppose the address; and he trusted the discussion which had taken place would cause the Government to shadow forth some more definite policy than that contained in vague motions.

Inclosure 5 in No. 24.

MINUTE for the information of his Excellency the Governor.

IT has been the invariable practice of the Government to enter into contracts for the supply of stores of every kind for the Government establishments before the commencement of the year for which the supplies are required, and in anticipation of the votes of the Legislature.

Towards the end of the year tenders for the supply of stores are invited by public advertisement. The lowest tenders are submitted to the Governor for his acceptance, and the tenders so accepted are then published in the Government Gazette. The estimates are usually submitted after the commencement of the year for which the stores have been contracted for, and most of the expenditure in the early part of the year takes place—especially for the ordinary annual supplies—in anticipation of the votes in detail. If the votes for any supplies which have been contracted for were not taken, or being proposed were refused by the Assembly, the contractor could recover the price of his goods from the Government under Act No. 241.

(Signed)

GEO. VERDON.

Treasury, December 20, 1865.

Inclosure 6 in No. 24.

PETITIONS brought against the Queen, and Verdicts recovered in respect of Causes of Action on Contracts not authorized by a Vote of Parliament.

No. 1704. Miles and Others *v.* the Queen.

An action by the owners of the "Royal Bride" in respect of the inefficiency of the patent slip Williamstown. Verdict for the Plaintiff, 6th August, 1859.

No. 2959. Lavender *v.* the Queen.

Salary as clerk to Sheriff Kyneton. Verdict 403*l.* 12*s.* 6*d.* for the Petitioner, 6th November, 1861.

Petitioner was appointed in September, 1859, to the office of Sheriff's Clerk and Bailiff, and continued to act until August 1, 1860, without payment or a vote of money by Parliament.

Respondent admitted the appointment, but contended that it was without salary or allowance, there not being any sum voted for such a purpose.

The Chief Justice said that if the action had been brought to recover compensation in damages for loss of office or for wrongful discharge, the arguments of Defendant's Council might be applicable, but the Plaintiff's claim was for work actually performed, and he trusted that he was not exceeding his functions as a Judge when he expressed his regret that the action should have been allowed to be brought. Anything more destructive of the public credit he could not imagine. See report in "Herald," November 8, 1861.

No. 2633. Jaegung *v.* the Queen.

Discovery of Chinese smuggling. Verdict for Petitioner 3,682*l.* 4*s.* 1*d.*

Jaegung *v.* the Queen.

This was an action brought by a Chinese interpreter on a written contract entered into with an officer of the Customs Department.

This contract was not sanctioned by any Act of Parliament.

The Petitioner by such contract was to receive one-third of the goods seized through his personal attendance and assistance.

At the trial Petitioner proved the contract, and that he had pointed out certain goods.

Evidence was also given of conversations with the Customs' officers.

The Court by their construction of the contract awarded Petitioner 3,682*l.* 4*s.* 1*d.*

DESPATCHES FROM THE SECRETARY OF STATE.

Despatches from the Secretary of State.

No. 1.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(No. 11.)

Sir,

Downing Street, January 26, 1865.

I HAVE to acknowledge the receipt of your despatch of the 21st November last No. 110,* informing me that the Legislature of Victoria had been summoned to meet for the despatch of public business on the 28th of that month.

It will be a subject of sincere regret to Her Majesty's Government if the result of the new elections shall lead, as you appear to anticipate, to any desire on the part of your prosperous and intelligent community to depart from those principles of commercial freedom which have been so universally adopted and so successfully applied in this country. I trust that the Legislature of Victoria will see that nothing would be so much calculated to obstruct the progress of the Colony as the enactment of laws having it for their object to induce the colonists to desert more profitable for less profitable branches of industry.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 2.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, April 19, 1865.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 25th January last,† inclosing a copy of the "Summary for Europe," and copies of the "Argus" newspaper, discussing questions of public interest in the Colony of Victoria.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 3.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, April 26, 1865.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 23rd of February,† forwarding the supplements of the "Argus" and "Age" of that date, containing the monthly summaries on matters of political interest in Victoria.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 4.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, June 26, 1865.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 25th of March,* reporting on the position of public affairs in Victoria, and inclosing the monthly summaries published in the "Argus" and "Age" newspapers.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 5.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, July 20, 1865.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 25th of April last,† informing me of the state of affairs in the Colony under your Government.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 6.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, September 25, 1865.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 27th of July,‡ putting me in possession of the result of the debates in the Legislature of Victoria on the Bill for incorporating the Tariff with the Appropriation clauses.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 7.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, September 26, 1865.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 25th July,† forwarding copies of the "Argus" and "Age" newspapers of that date.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 8.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(No. 96.)

Sir,

Downing Street, October 26, 1865.

I HAVE to acknowledge the receipt of your despatch No. 113‡ of the 25th August, reporting on the position of affairs in Victoria, and stating the causes which have led to the differences between the Council and Assembly.

I have to convey to you my approval of your intention to adopt no step which is not strictly authorised by law.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 9.

*Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor
Sir C. Darling, K.C.B.*

(No. 107.)

Sir,

Downing Street, November 27, 1865.

I HAVE received your despatches enumerated in the margin,* respecting the non-enactment of the usual Appropriation Act in Victoria, and the steps which you and your Government have taken in consequence.

I could have wished to postpone any expression of opinion on these important matters until I was in formal possession of the Address of the Legislative Council which is informally transmitted in your despatch of the 18th September, No. 115,† and of any counter statements which may be made by the Legislative Assembly or by your advisers; but the proceedings of which you inform me are of so serious a character that I do not feel at liberty to delay the expression of such opinions as I have been able to form from the papers before me.

The facts, as I understand them, are as follows:—

The Victoria Government Act (Schedule to 18 and 19 Vict., cap. 55) provides, by its 1st clause, that laws shall be made by Her Majesty, with advice of the Legislative Council and Assembly of the Colony, and contains no provision for making laws in any other way.

The 56th clause of the Act provides that “Bills for appropriating any part of the revenue of Victoria, and for imposing any duty, rate, tax, rent, return, or impost, shall originate in the Assembly, and may be rejected, but not altered, by the Council.”

The Assembly desired to pass a law imposing Customs duties, which was supposed to be distasteful to the Council; and to ensure its passing, made it part of the ordinary Appropriation Bill. The Council refused to enact the Bill so presented to it, which has consequently dropped.

The history of the contest up to this point was reported to me in your despatch No. 113‡ of the 25th of August, in which you expressed your intention to adopt no step which was not strictly authorized by law. That intention I unreservedly approved in my answer No. 96§ of the 26th of October. You now inform me of the subsequent proceedings of yourself and your Government.

It appears that notwithstanding the non-enactment of the Customs law, the Local Government proceeded, on the sole authority of the Assembly, to levy the duties which would have been imposed if that law had passed. Some merchants resisted the claim, and the Supreme Court decided that the merchants were right, and that the collection of the duties was unlawful. But the Government, in spite of this decision of the Supreme Court, have not, as I understand, desisted from levying the duties.

So far as to the collection of the revenue,—it remains to consider the course you have pursued as it has affected the expenditure.

The local Act of the 22nd Vict., No. 86, provides by its 14th clause that the public revenue shall, as it is collected, be paid into an account called “the Public Account,” with some bank or banks to be appointed by the Governor; and the 24th and 25th clauses provide that the moneys paid into that account shall only be drawn from it in virtue of an order signed by the Treasurer, and countersigned by the Audit Commissioners; and this order cannot issue till a certificate has been signed by the Audit Commissioners and approved by the Governor, to the effect that the moneys are legally available for the purpose for which they are drawn.

In the absence of an Appropriation Act, the Auditors would not certify that the money in the hands of the banks was “legally available” for the payment of salaries, and other current expenses of Government. The money, therefore, could not by any ordinary process be applied to these purposes.

But by a later Act called the Crown Remedies and Liabilities Statute, 28 Vict., cap. 241, it is provided that if any person having a demand against the Local Government shall on petition obtain judgment of the Supreme Court in his favour, and shall receive a certificate to that effect from the proper officer of the Court, the Governor may cause his claim to be satisfied out of the consolidated revenue.

In this state of the law your Government, with your sanction, prevailed upon

* No. 113, August 25, page 4; No. 115, September 18, page 10; No. 116, September 22, page 24; No. 117, September 23, 1865, page 32.

† Page 10.

‡ Page 4.

§ Page 100.

one of the banks in which a "Public Account" was kept, to lend you or them certain sums of money, and to carry that money to a separate account, which was to be acted upon by you or them without the concurrence of the Audit Commissioners; and it was agreed that the Bank should at once petition the Supreme Court under the Act 28 Vict. for repayment of this loan, that your Government should at once confess judgment, and that you should thereupon enable them to repay themselves out of the "Public Account" the amount they had placed to this new account.

I do not quite clearly understand whether the concurrence of the Audit Commissioners was necessary, or was obtained to this repayment. But this is of minor importance. The effect, practically, was to transfer the public money out of the "Public Account" from which the Bank could not ordinarily issue it, without the Audit Commissioners' certificate, to another account entirely under the control of the Government.

The money so obtained has, I understand, been applied by the Executive Government to the payment of salaries, and I suppose to other immediate purposes specified in the Appropriation Bill, which the Council refused to pass. I infer that it is by the extension and continuation of this process that the Government has been since carried on.

This, I think, is a correct statement of the material facts, on which I proceed to express my opinion.

First. I have no hesitation in saying that independently of the Judgment of the Supreme Court, no consideration, at least none that is discernible in your despatches, should have induced you to give your concurrence to the levying of these duties.

The plea that taxes are levied in this country on a vote of the House of Commons before they are imposed by law is manifestly irrelevant. Such taxes are so levied because it is not doubted that the Bill imposing them as from the date of the Resolution of the House of Commons on which the Bill is founded (and after which only they are levied), will become law, by the concurrence of the two other Branches of the Legislature. If such concurrence were withheld, the sums so levied by anticipation would be repaid, and they would of course be no longer levied.

But in the present case you and your Government were perfectly aware that the Bill would not receive the sanction of the whole Legislature, and the exaction of these duties was not in anticipation but in defiance of the judgment of the Legislative Council. It was, therefore, not only in its origin unlawful, but there even was every reason to presume that it would remain so. I look with extreme apprehension on a state of things in which the Government of a British Colony is engaged in collecting money by mere force from persons from whom the Supreme Court has declared that it is not due. It is an example of violence which may do incalculable mischief beyond the limits of the Colony in which it has been allowed to occur.

Next, I do not understand on what ground it can have been imagined that you were legally authorised to borrow from a private bank large sums of money on behalf of the public. No authority is alleged, and I am unable to conjecture any. The only excuse for such a proceeding would have been an overwhelming public emergency of such a nature as to justify what was not justified by the letter of the law. But, as I have observed, you had already declared that no such emergency existed. And you were right; no such emergency did exist. If payments were legally due from the Crown to public officers for salaries, or to any other persons on any account, it was open to such persons to recover what was so due to them in the ordinary course of law. It was for one or other branch of the Legislature to yield, or for both to compromise their difference. It was not for you to give a victory to one or the other party by a proceeding unwarranted either by your Commission or by the laws of the Colony. I must point out that by such a proceeding the Governor and his Government, with the co-operation of a local bank, might at any moment withdraw any amount of public funds from the "Public Account" to which it is consigned by law, and place it at their own command, relieved from all the checks with which the Legislature has carefully surrounded it.

Thirdly, as to the expenditure of the moneys thus obtained, I find it difficult to suppose that by the Crown Remedies and Liabilities Act the Legislature intended to enable the Government to discharge, without its concurrence, those ordinary expenses of Government which it reserves to itself the right to re-consider annually. It may, perhaps, be doubted whether office-holders who are under a standing notice that their salaries are dependent on laws, annually passed, by the Colonial Parlia-

ment, would be treated by the Supreme Court as having a claim upon the Government independently of any such law. But it is not alleged that the Supreme Court was ever called upon to give judgment on the question, and you do not inform me of any law which would warrant you in paying away any public money except under the authority either of such a judgment or of the Auditors' certificate.

As at present advised, therefore, I am of opinion that in these three respects—in collecting duties without sanction of law; in contracting a loan without sanction of law; and in paying salaries without sanction of law—you have departed from the principle of conduct announced by yourself and approved by me—the principle of rigid adherence to the law. I deeply regret this. The Queen's Representative is justified in deferring very largely to his Constitutional advisers in matters of policy and even of equity. But he is imperatively bound to withhold the Queen's authority from all or any of those manifestly unlawful proceedings by which one political party, or one member of the body politic, is occasionally tempted to endeavour to establish its preponderance over another. I am quite sure that all honest and intelligent colonists will concur with me in thinking that the powers of the Crown ought never to be used to authorize or facilitate any act which is required for an immediate political purpose, but is forbidden by law.

It will be for the gentlemen who guide the opinions of the Colony, or form the majorities in the two Houses of the Legislature, to ascertain, and you will of course afford them every facility for ascertaining, how the Government of the Colony is to be carried on. It is for you to take care that all proceedings taken in the Queen's name, and under your authority, are consistent with the law of the Colony.

As I said in the beginning of this despatch, I could have wished to postpone any expression of my opinion until I should be in possession of the papers which you lead me to expect by the next mail. But the continued violation of the law, with the concurrence of the Queen's representative, would be so serious an evil that I have felt compelled thus to address you now. I believe that I have stated correctly the facts of the case. I have given you my view of the law arising from those facts. I have to instruct you in this, as in every other case, to conform yourself strictly to the line of conduct which the law prescribes.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 10.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, November 27, 1865.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 25th September last,* inclosing copies of the "Argus" and "Age" newspapers of that date.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 11.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, December 16, 1865.

I HAVE to acknowledge the receipt of your confidential despatch of the 25th of August,† transmitting copies of the "Argus" and "Age" newspapers of that date, with their summaries of intelligence for Europe.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 12.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, December 22, 1865.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 25th of October, informing me that there was some prospect of a conference between the Legislative Council and the Legislative Assembly on the differences existing between the two Houses, and inclosing copies of public papers of that date.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 13.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(No. 111.)

Sir,

Downing Street, December 26, 1865.

I HAVE the honour to acknowledge the receipt of your despatches of the numbers and dates noted in the margin.† Having been sent by way of Southampton, they did not reach me till the 23rd instant; and I am not able to reply to them by the present mail.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 14.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(Confidential.)

Sir,

Downing Street, January 25, 1866.

I HAVE to acknowledge the receipt of your confidential despatch of the 25th November last,‡ on the affairs of Victoria for that month.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 15.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(No. 11.)

Sir,

Downing Street, January 26, 1866.

IN your despatches No. 127 of the 20th October, and Nos. 130 and 131 of the 24th October,† which, as I have already informed you, arrived (viâ Southampton) too late to be dealt with by the last mail, and also in your further despatches, as noted in the margin,§ you inclosed to me an Address of the Legislative Council of Victoria to Her Majesty the Queen, representing "That the laws of the Colony have in a measure been dispensed with, the constitution superseded, and Her Majesty's authority disregarded, if not abused;" together with your own observations upon that Address: also various petitions to the Queen relating to the same proceedings; and sundry Addresses numerously signed, which you had received from different portions of the community under your Government. I have also received your despatches Nos. 140 and 143 of the 24th and 25th of November.||

In other despatches I have conveyed to you the replies which I have been commanded by Her Majesty to instruct you to make to the Legislative Council, and to the bodies by whom the Petitions were signed.

My despatch No. 107 of the 27th November¶ made known to you the opinions which

* Page 63.

† No. 127, October 20, page 33; No. 130, October 24, page 50; No. 131, October 24, page 57.

‡ Page 76.

§ No. 133, October 25, page 58; No. 139, November 24, page 63; No. 142, November 25, 1865, page 67.

|| Pages 65 and 68.

¶ Page 101.

I had formed upon these important proceedings, from the papers then in my possession ; and the instructions which I thought it necessary to give you at once, without waiting for your further report.

Having now given my best attention to your explanations in detail of the course which you have pursued, and to your observations upon the Address of the Legislative Council, I have found nothing which materially alters the legal aspect of the case as it was presented to me in your previous despatches.

The first point to which you direct my attention—the continued publication of a notice—is a matter of small importance. I should have thought that the Legislative Council put it forward not as a charge, but as an indication that you have since departed from your first intention as regards the suspension of payments.

The two other charges to which you reply are of a different nature.

I make every allowance for the position of the Governor of a Colony who finds himself called upon by his responsible Ministers, with the concurrence of the Legislative Assembly, to adopt, for the purpose of overcoming an immediate difficulty, measures in their nature questionable, but which, in the opinion of his legal advisers, are within the letter of the law.

I cannot, however, avoid expressing my entire dissent from that portion of your despatch in which you speak of the concurrence of the Council in Bills of Supply and Appropriation as merely formal in its nature, of the alleged disregard of their legislative rights as insignificant, and of their complaints as frivolous and easily refuted. It is evidently a matter not merely formal, but essentially of substance as well as of form, to pass by in the way in which you have been advised to pass by, the decision of one branch of the Legislature ; and the principles in issue appear to me to have been so plain, and the right rule of conduct so clear, that I cannot but regret your having deferred to the advice which you received.

As regards the second charge, that of assenting to a scheme by which certain payments were made, you refer me to your despatch No. 116 of the 22nd of September,* which I have already answered. I have only further to remark, with reference to the opinion of the Crown Law Officers which you now inclose, that the more certain it may be that the salaries paid, or any of them, were sufficiently provided for by a permanent law, the less need was there to have recourse to an expedient by which public funds to any amount might have been placed at the disposal of the Governor, free from that control which the Constitution of Victoria has intended to provide.

The third charge is, that you allowed Customs duties to be collected without sanction of law. I do not consider that it would be “a sufficient reply to state that not a single representation has been made on the subject to the Governor or to the Governor in Council ;” more especially after the proceedings taken in the Supreme Court of the Colony to recover duties so collected, and the decision of the Court that such collection was illegal. Nor can I admit that usage and precedent established for cases in which there is no conflict between two branches of a Legislature justify departure from law at a time when there is such a conflict, and when the substantial matter disputed is that very assent which under ordinary circumstances is reasonably anticipated, and afterwards actually obtained.

It is the desire of Her Majesty’s Government to observe to the utmost the principle which establishes Ministerial responsibility in the administration of Colonial affairs, and they would regret, as much as yourself, any circumstances which should place you in antagonism with an existing Ministry appearing to enjoy the confidence of the existing Assembly. Nevertheless, it is always the plain and paramount duty of the Queen’s Representative to obey the law, and to take care that the authority of the Crown, derived to his Ministers through him, is exercised only in conformity with the law.

In your despatch of the 25th August, No. 113,† you expressed your determination to act upon this principle, which determination I approved. I also recognize that so soon as you had taken the measures to which I so decidedly object, you lost no time in reporting them to me, and expressed your opinion that they were in accordance both with the letter and with the spirit of the law. I do not doubt, therefore, that you will have at once conformed to my instructions, and will have reverted to the line of conduct which the law prescribes.

From your despatches by the present mail, I learn with satisfaction that in one important particular you had already returned to the proper legal course ; I mean that you had ceased to levy the duties not authorised by law, and proposed to refund that portion of them which had been already levied. It does not clearly appear what effect will be produced by the registration fee imposed under the Colonial Act 25 Vict., No. 144, but if the

fees are legal fees their imposition will not be open to the same remarks as those which I have been obliged to apply to the levying of illegal duties.

I hope that the result of an appeal to the people will be conformable with your intention in proposing that course to your Ministers, and will enable the two branches of the Legislature to arrive at a common course of action. In answer to your remarks about the Legislative Council, I have only to say that your concern at present is not with the merits of the questions in dispute, or with the composition of the two Assemblies, but with the due execution of the existing laws of the Colony.

It is not to be supposed that in any province of the Crown, peopled by the British race, and enjoying representative institutions, there will be wanting that spirit by which alone representative institutions flourish, of obedience to the law, and of reasonable concession, in order to avert violation of the law. Her Majesty's Government cannot doubt that a firm determination on your part to observe the law, and an appeal to this spirit in the Colony under your government, will be responded to and accepted by the general sense of the community. It would be very unfortunate that the Colony should be unable by its own forbearance and wisdom thus to solve its own difficulties, and I should greatly regret if any necessity should ever arise for a reference of such difficulties to the decision of the Imperial Parliament; but, in an extreme case, that course is always open, and, undesirable as I should hold it to be, it would be infinitely preferable to a violation of the law.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 16.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(No. 12.)

Sir,

Downing Street, January 26, 1866.

I HAVE to request that you will inform the various bodies who have addressed to the Queen the Petitions forwarded in your despatch No. 130 of the 24th October,* in favour of the course taken by the Legislative Assembly and by yourself and your Government in the recent controversy between the Council and Assembly, that those Petitions have been duly laid before the Queen, by whom they were graciously received, but that Her Majesty had been unable to approve the proceedings of the Colonial Government.

You will further inform them that these proceedings have formed the subject of two despatches to you, which you have been directed to lay before the Legislative Council, and which therefore will no doubt receive full publicity in the Colony.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 17.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(No. 13.)

Si

Downing Street, January 26, 1866.

I HAVE to request that you will inform the persons who have signed the Petitions to the Queen, as noted in the margin,† and forwarded in your despatch No. 133 of the 25th October,‡ disapproving of the course taken by the Colonial Government in the recent controversy between the Council and Assembly, that their Petitions have been laid before Her Majesty, by whom they were graciously received, and that Her Majesty had been advised that the proceedings which had led to these Petitions were contrary to law, and had therefore been unable to approve them.

You will at the same time inform them that these proceedings have formed the subject of two despatches to you, which you have been directed to lay before the Legislative Council, and which will therefore no doubt receive full publicity in the Colony.

I have, &c.

(Signed) EDWARD CARDWELL.

* Page 50.

† Chamber of Commerce, Melbourne; Chamber of Commerce, Ballarat; Public Meeting, Melbourne; Meeting in St. George's Hall, Melbourne.

‡ Page 58.

No. 18.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(No. 14.)

Sir,

Downing Street, January 26, 1866.

I HAVE to request that you will inform the various bodies, as noted in the margin,* who have addressed to the Queen the Petitions forwarded in your despatch No. 139 of the 24th of November,† in favour of the course taken by the Legislative Assembly and by yourself and your Government in the recent controversy between the Council and the Assembly, that those Petitions have been laid before the Queen, by whom they were graciously received, but that Her Majesty had been unable to approve the proceedings of the Colonial Government.

You will further inform them that these proceedings have formed the subject of two despatches to you, which you have been directed to lay before the Legislative Council, and which therefore will no doubt receive full publicity in the Colony.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 19.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(No. 15.)

Sir,

Downing Street, January 26, 1866.

I HAVE to request you to inform the Legislative Council of Victoria that I have duly laid before the Queen their Address, which was forwarded to me in your despatch No. 127 of the 20th October.‡

You will inform the Council that the Queen was pleased to receive their Address very graciously, and that Her Majesty had been advised that the proceedings which gave rise to it were contrary to law, and had given instructions intended to prevent their recurrence.

You will further communicate to the Council copies of my despatches of the 27th November, No. 107,§ and of the 26th instant, No. 11.||

I have, &c.

(Signed) EDWARD CARDWELL.

No. 20.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor Sir C. Darling, K.C.B.

(No. 21.)

Sir,

Downing Street, February 26, 1866.

I HAVE the honour to acknowledge the receipt of your despatch of the 23rd December last, No. 152¶, forwarding an Address to the Queen, signed by twenty-two Members of the Executive Council of Victoria, having reference to matters arising out of the differences between the two Houses of the Legislature.

I request you will inform the petitioners that their Address has been laid before the Queen, and that I have received Her Majesty's commands to give instructions intended to prevent a recurrence of complaint on the subject to which that Address refers.

I have, &c.

(Signed) EDWARD CARDWELL.

* Borough of Echuca; Inhabitants of Campbell's Creek; District of Woodend; Inhabitants of Pyalong and vicinity.

† Page 62.

Page 99.

‡ Page 33.

¶ Page 77.

§ Page 101.

No. 21.

*Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor
Sir C. Darling, K.C.B.*

(No. 25.)

Sir,

Downing Street, February 26, 1866.

I HAVE conveyed to you in another despatch the answer which I have been commanded by the Queen to return to the Address, signed by twenty-two Members of the Executive Council of Victoria, which you transmitted to me in your despatch No. 152 of the 23rd December.*

The complaint of the Petitioners is, as you observe, directed against yourself, and is to the effect that the acts which the Address describes as illegal, could not have been committed, much less persisted in, if you had not given to those acts the sanction of your authority. In reply to this complaint, while referring to the general obligation under which you are placed, by Her Majesty's instructions, to be guided in all cases (unless you have good reason to the contrary) by the advice of your Ministers, you further say that in the particular proceedings of which the Petitioners complain, "there has been no so-called illegal act on the part of the Government, which you would not, so far as respects the general principles upon which it is based, have carried into effect, if the executive authority had been deposited solely in yourself." And as regards the loan you add, "I should have gone much further than my Ministers counselled me to do, for I should have peremptorily withheld from those banks which refused to assist the Government by loans, any further deposits of the public revenue." I have already, in my despatch No. 107 of the 27th November,† instructed you that some of the acts of your Government to which you gave your sanction were illegal, and have directed you to retrace your steps. But your present despatch imposes upon me new obligations. I shall therefore briefly review the circumstances under which this Address has been adopted by the Petitioners.

The course pursued in the Assembly with respect to the Tariff and Appropriation Bills was not warranted by the practice of the English House of Commons, to which, by the Constitution Act, it was intended that the Assembly of Victoria should generally conform. Here, not only is a Bill introduced on the very day on which Resolutions for the alteration of Customs duties are agreed to, for the purpose of giving effect to those Resolutions, but every exertion is made to pass the Bill with as little delay as possible. Again, no practice is more carefully observed than that which avoids what is called tacking, or the combination of any other enactments with the Bill of Appropriation. But still, in the case which has occurred under your government, the delay of the Tariff Bill, and its union with the Appropriation Bill, were exposed to the same checks to which the like proceedings, if resorted to, would be exposed in this country. The Supreme Court was able to vindicate the right of any subject who might complain that duties were levied from him illegally, and the Legislative Council was able to maintain its own privileges by laying aside the compound Bill. I do not think it would have been desirable for you to interfere in any such manner as to withdraw these matters from their ordinary sphere, and so give to the dispute a character, which did not naturally belong to it, of a conflict between the Assembly of Victoria and the Representative of the Crown. I am not able to say that, in the actual circumstances of the case, you had it in your power to influence or control the course of affairs without incurring the risk of such a consequence.

But you ought to have interposed, with all the weight of your authority, when your Ministers continued to levy the duties notwithstanding the adverse decision of the Court. Still more evidently was it your duty to withhold your personal co-operation from the scheme of borrowing money in a manner unauthorized by law. I say unauthorized by law, because the loan itself had not been sanctioned by the Legislature of Victoria, and because the judgment which enabled you to repay that loan, having been obtained as it was, can be regarded only as a form under colour of which the substance of the law was evaded. By these proceedings the Supreme Court and the Legislative Council were practically deprived of the power with which the Constitution intended to invest them. This conduct on your part involved a grave responsibility; and it has led, by natural consequence, to the Address which I have now to consider.

I understand, indeed, that before you received that Address your Government had in some degree retraced their steps. The Tariff Bill had been finally rejected by the Council, and the Customs' Department ceased to levy the higher duties imposed by the Bill, and repaid to each individual the excess which he had paid. I infer, also, though it is not clearly stated in your despatches, that they have recommenced the collection of those higher duties which the law imposes on the import of tea and other articles, and

on the export of gold. But I also gather that for some months the full amount of the higher duties was not levied, and that for part of that time the Customs' Department had ceased to demand any bonds or other security for the payment of the uncollected balance. You do not suggest, and I cannot imagine that for this proceeding there was even any pretext on which it could have been contended to be legal. As a consequence of these proceedings, the Assembly has been dissolved without an Appropriation Act, and the borrowing from the Bank has been continued.

Under these circumstances it cannot, I think, be denied that any subject in the Colony was entitled respectfully to approach his Sovereign, and complain that, in the one case by the wrongful concurrence, and in the other by the personal co-operation of the Queen's Representative, he had been deprived for a time of the benefit of the remedy which the Constitution of Victoria provided against irregular acts of power on the part of the Executive Government. I do not see in the language of the Address anything disrespectful to Her Majesty, or otherwise worthy of censure; and I cannot but acknowledge that the complaints of the Petitioners are just.

I am thus compelled to approach, and I do so with the deepest regret, the closing paragraphs of your despatch, in which you describe the Address in terms of the strongest condemnation, and express your opinion that a vindication of public morality calls for the forfeiture of the commission and office of the Petitioners; informing me that, "if it had not been that under existing circumstances, and at the period of a general election, when many of these gentlemen are candidates for a seat in the Legislative Assembly, the object of such action on your part would have been liable to great misapprehension, you would have suspended them all from office until Her Majesty's pleasure were known."

It is evident that such a course on your part could only have been justifiable if they had been clearly wrong, and that in a very aggravated degree, and in this and in former despatches I have stated how little I consider that this has been actually the case.

But while you thus assign a merely temporary reason for not having taken a course which would on the merits have been unjustifiable, you make in the following words an appeal to me, to which I am obliged to return a clear and decided answer.

You say:—

"Whatever course, in the exercise of your judgment, you may see fit to advise Her Majesty to adopt, it is impossible that the relations between the petitioners and myself can, in the face of this conspiracy, be such as ought to subsist between the Governor and gentlemen holding the commission of an Executive Councillor, whether occupying or not occupying responsible office; and it is at least to be hoped that the future course of events may never designate any of them for the position of a Confidential Adviser to the Crown, since it is impossible their advice could be received with any other feelings than those of doubt and distrust."

If I had adopted your views with respect to the conduct of the Petitioners, I might, undoubtedly, have tendered to Her Majesty the advice which you suggest, but by doing so I should only have deprived those gentlemen of an honorary distinction. It would have been quite beyond my power to obviate the inconvenience to which you point. It would still have remained quite possible that they should again acquire the confidence of a majority of the Assembly, and, therefore, be the persons from whom you would naturally select your Ministers.

It has been my desire to avoid even the appearance of taking part with one side or the other in controversies which ought to be locally decided; to make every possible allowance for the circumstances in which you have been placed; and to lighten, as far as I could, the painful consequences to you of the answer which I was compelled to return to the Address of the Legislative Council. It is your own act now which leaves me no alternative; you force me to decide between yourself and the petitioners. You place me in the position of having to determine whether you can continue to represent the Queen in a Colony in which you have avowed that none of these gentlemen can ever be received by you as confidential advisers with any other feelings but those of doubt and distrust. It is one of the first duties of the Queen's Representative to keep himself as far as possible aloof from, and above, all personal conflicts. He should always so conduct himself as not to be precluded from acting freely with those whom the course of Parliamentary proceedings might present to him as his confidential advisers. While, on the one hand, it is his duty to afford to his actual Advisers all fair and just support, consistently with the observance of the law; he ought, on the other hand, to be perfectly free to give the same support to any other Ministers whom it may be necessary for him at any future time to call to his counsels. The Colony is entitled to know that the Governor gives this support to his Ministers for the time being, and that he is able and willing, if the occasion shall arise, to give the same support to others. I regret to say

that in the present instance you have rendered this impossible. It must be evident to yourself that you occupy a position of personal antagonism towards almost all those whose antecedents point them out as most likely to be available to you in the event of any change of Ministry. This has resulted, as I think, entirely from your own acts, your adoption of a course of conduct which cannot be justified in law, and your strong denunciation, in which I am wholly unable to concur, of those who have objected to that course. It is impossible, I much regret to say, that, after this, you can with advantage continue to conduct the government of the Colony.

Looking to your long services, and sincerely desirous to make every allowance for the difficulties of your position, I have been most reluctant to arrive at the decision which, nevertheless, I have been obliged to adopt. I am compelled to advise Her Majesty that you should be relieved of your duties, and the government of the Colony be placed in other hands.

As soon, therefore, as your convenience will admit of your leaving the Colony, I should wish you to place the Government in the hands of General Carey, whose duty it will be to administer it until your successor shall be appointed. I trust that no occasion will arise in which it will be clear to his judgment that the advice of his Ministers for the time being would involve a violation of the law. In such a case it would doubtless be his duty to refuse compliance, and to endeavour to obtain the aid of other Ministers.

Her Majesty's Government have no wish to interfere in any questions of purely Colonial policy, and only desire that the Colony shall be governed in conformity with the principles of responsible and constitutional Government, subject always to the paramount authority of the law.

I have, &c.
(Signed) EDWARD CARDWELL.

APPENDIX.

Appendix.

28 & 29 VICT., CAP. 55.

Extract of an Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria to establish a Constitution in and for the Colony of Victoria.

[July 16, 1855.]

44. All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown (including Royalties), from whatever source arising within the Colony of Victoria, or over which the present or any future legislature has or may have power of appropriation, shall form one consolidated revenue to be appropriated for the public service of the Colony of Victoria in the manner and subject to the charges hereinafter mentioned.

Consolidated
Revenues.

55. After and subject to the payments to be made under the provisions hereinbefore contained, and to any pensions now payable and received under the Act firstly hereinbefore recited, and the schedule thereunto annexed marked B, all the consolidated revenue arising from taxes, duties, rates, and imposts levied by virtue of any Act of the Legislature, and from the disposal of the waste lands of the Crown under any such Act made in pursuance of the authority herein contained, shall be subject to be appropriated to such specific purposes as by any Act of the said Legislature shall be provided in that behalf: Provided that the consolidation of the revenues shall not affect the payment of the annual interest or the principal sums mentioned in any outstanding debentures or other charge upon the territorial revenue as such interest, principal, or other charge severally becomes due, nor shall such consolidation affect the payment of any sums heretofore charged upon the taxes, duties, rates, and imposts now raised, levied, and collected, or to be raised, levied, and collected to and for the use of the Colony for such time as shall have been appointed by any Acts of the Legislature by which any such charge was authorised.

Power to appropriate Consolidated Revenue.

VICTORIA.

Correspondence respecting the non-Enactment of the
Appropriation Act in Victoria: 1865.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. March 1866.*

LONDON:

PRINTED BY HARRISON AND SONS

FURTHER CORRESPONDENCE

RESPECTING THE

NON-ENACTMENT

OF THE

APPROPRIATION ACT IN VICTORIA:

1865.

(In continuation of Papers presented to Parliament in
March 1866.)

*Presented to both Houses of Parliament by Command of Her Majesty.
March 23, 1866.*

LONDON:
PRINTED BY HARRISON AND SONS.

SCHEDULE.

No. in Series.	From whom.	Number and Date.	SUBJECT.	Page
1	Governor Sir Charles Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.	Jan. 22, 1866 (No. 4)	In reply to Mr. Cardwell's despatch No. 107 of November 27, 1865, relative to the differences between the Legislative Chambers, and upon the non-enactment of the usual Appropriation Act for 1865 ..	1
2	The Right Hon. Edward Cardwell, M.P., to the Officer administering the Govern- ment	Mar. 26, 1866 (No. 32)	Offers observations for his guidance on points arising out of these dif- ferences	8

Further Correspondence respecting the Non-Enactment of the Appropriation Act in Victoria: 1865.

No. 1.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received March 16.)

(No. 4.)

(Answered, No. 32, March 26, 1866, page 8.)

Sir, *Government House, Melbourne, January 22, 1866.*

I HAVE had the honour to receive your despatch No. 107 of 27th November last,* upon the subject of the proceedings of this Government, consequent on the non-enactment of the usual Appropriation Act for the year 1865.

2. In respect to one of the points connected with these proceedings, viz., the levy of Customs duties, you are pleased to observe, that "it appears that notwithstanding the non-enactment of the Customs law, the Local Government proceeded, on the authority of the Assembly, to levy the duties which would have been imposed if that law had passed. Some merchants resisted the claim, and the Supreme Court decided that the merchants were right and that the collection of the duties was unlawful."

"But the Government, in spite of this decision of the Supreme Court, have not, as I understand, desisted from levying the duties."

3. You add that you "have no hesitation in saying that independently of the judgment of the Supreme Court, no consideration, at least none that is discernible in your despatches, should have induced you to give your concurrence to the levying of these duties."

4. "The plea that taxes are levied in this country on a vote of the House of Commons, before they are imposed by law, is manifestly irrelevant. Such taxes are so levied because it is not doubted that the Bill imposing them, from the date of the Resolution of the House of Commons, on which the Bill is founded (and after which only they are levied), will become law by the concurrence of the two other branches of the Legislature."

"If such concurrence were withheld, the sums so levied by anticipation would be repaid, and they would of course be no longer levied."

5. "But in the present case you and your Government were perfectly aware that the Bill would not receive the sanction of the whole Legislature, and the exaction of these duties was not in anticipation but in defiance of the judgment of the Legislative Council."

"It was therefore not only in its origin unlawful, but there was every reason to presume that it would remain so. I look with extreme apprehension on a state of things in which the Government of a British Colony is engaged in collecting money by mere force from persons from whom the Supreme Court has declared it is not due. It is an example of violence which may do incalculable mischief beyond the limits of the Colony in which it has been allowed to occur."

6. I beg permission to remark that when you arrived at these conclusions there were not before you any despatches from me containing the slightest reference to the duties in question, or any attempt at explanation of the circumstances attending their collection and the proceedings in the Supreme Court in relation to them.

7. The statement of supposed facts in connection with the duties, to which my attention is called by your despatch, must, I think, have been derived from other sources.

* Vide Papers presented March 1866, page 101.

8. I take leave, therefore, to submit a recital of the true facts of the case, as follows, viz.:—

(1.) The collection of the new duties commenced in February last “as from the date of the Resolution of the House of $\left\{ \begin{array}{c} \text{Commons,} \\ \text{Assembly,} \end{array} \right\}$ on which the Bill intended to legalize them is founded.”

The fact that the Tariff had passed the Assembly was reported in my confidential despatch of the 23rd of that month, and subsequently referred to in my despatch No. 56 of the 20th April.

(2.) This collection was in accordance with precedent and usage as already established in the Colony.

(3.) The commencement and continuance of the collection for many months were not remonstrated against by any of Her Majesty’s subjects.

(4.) Neither I nor my Government could reasonably conjecture, much less be “perfectly aware,” at the time the Resolution was passed, that the Council would finally reject these duties; on the contrary, the complaint of the Council from the beginning to the end of the controversy, as shown by the proceedings and records of that body, as well as by the oral declarations of its members, was that the course adopted by the Assembly in combining the Tariff and Appropriation Bills deprived them of a fair opportunity of discussing the Tariff upon its merits—a discussion which, they stated, they were perfectly prepared to enter upon when the Tariff should be sent up to them separately. On the 25th July the Council “laid aside” the Bill, and on that occasion they formally declared, by Resolution, their readiness to consider the Tariff if sent up as a separate measure.

(5.) It was subsequently so sent up, and finally rejected by the Council in the month of November, the Bill being founded upon the same Resolutions that constituted the foundation of the former Bill.

(6.) The duties ceased to be collected on the day after the rejection of this second Bill. The necessary steps were taken for ascertaining the amount due to the several importers on account of the duties “levied by anticipation,” and warrants have been issued for the repayment of these duties, except in such of those cases wherein actions were brought against the Government as are under appeal to the Lords of the Privy Council.

(7.) Proceedings in the Supreme Court for the recovery of the duties were not instituted until the month of July. The final judgment of a full Court upon the questions of law these proceedings involved was not given, nor was final judgment entered up and recorded until the month of December, some time after the duties had altogether ceased to be collected.

These last-mentioned facts are conclusively established by the inclosed extract of a letter which I have recently received from the solicitors of one of the litigating parties.

9. From this statement it will be perceived that money has not “been collected by mere force, from persons from whom the Supreme Court has declared it is not due,” and no “example of violence” has been afforded, nor “mischief,” I trust, therefore been done, either “beyond the limits of the Colony” or “within those limits.”

10. With respect to the contraction of loans from one of the banks, which is a usual depository of the public money, you remark,—“Next, I do not understand on what ground it can have been imagined that you were legally authorized to borrow from a private bank large sums of money on behalf of the public.”

11. “No authority is alleged, and I am unable to conjecture any. The only excuse for such a proceeding would have been an overwhelming public emergency of such a nature as to justify what is not justified by the letter of the law. But, as I have observed, you had already declared that no such emergency existed, and you were right—no such emergency did exist.”

12. “If payment were legally due from the Crown to public officers for salaries, or to any other persons on any account, it was open to such persons to recover what was so due to them in the ordinary course of law.”

13. Upon this part of my conduct, I beg to state that I have always considered that the only sufficient authority as to what is legal or illegal (except a final judicial decision), upon which the Governor is justified in relying, or which can exonerate his responsibility, while himself as yet uninstructed by superior authority, is the opinion of the Law Officers of the Crown in the Colony.

That opinion I both took orally and obtained in writing, and did not fail duly

to communicate to you. It affirms the legality of borrowing money for the purpose of meeting the legal liabilities of the Government.

14. I transmitted to you the resolution of the Assembly, requesting me to take steps for satisfying the public creditor and maintaining the efficiency of the public service. I regarded this resolution as to all intents and purposes a vote of credit, and I believed a vote of credit for a specified object, proceeding from the Chamber which represents the taxpayers at large, to be, especially under constitutional government, an ample authority for the Executive to incur financial liability, subject to a subsequent audit and legislative approval of the expenditure.

15. I am in doubt as to what passage, either in the despatch I have now the honour to reply to, or in those which you had received from me when you wrote that despatch, reference is made when you remark: "But as I have observed, you had already declared that no such emergency did exist."

16. I had transmitted to you in detail in my despatch No. 113,* paragraph 9, a statement of the numerous and various services, the provision for which was suspended by the lock in the proceedings of the Legislature. I had shown that the emergency had been described in the Assembly as a "cruel and unjustifiable punishment" of the Civil Service. I had myself characterised it as an emergency, the critical nature of which was too obvious to require comment; and I do not now hesitate to say that short of a rebellion with force of arms, I can conceive no greater emergency which could possibly arise in the course of Colonial Administration.

17. But I am perhaps justified in conjecturing that the purport of your observations may be that an "overwhelming emergency" did not exist, because it was open to all persons to whom payments from the Crown were legally due, whether as salary or otherwise, to recover what was so due to them in the ordinary course of law.

18. That every collector of revenue, policeman, subordinate officer of gaols, contractor for provisions or other supplies, messenger and labourer in the employment of Government throughout the Colony, to say nothing of Her Majesty's troops, should be left to resort separately and severally, to a Court of justice for the recovery of his admitted claims (involving as such a proceeding would—see my despatch No. 116,* par. 11—an enormous charge upon the Treasury in the shape of costs), while any means of sparing the Government such discredit and disgrace was deemed by competent legal authority to be within the compass of law, did not, I confess, appear to me to be consistent with a just conception of the duty of a Colonial Governor, which I thought requires him to accept responsibility when the exigencies of the service or the well-being of the public called upon him to confront unexpected or unprecedented difficulties.

I conceived the 28th clause of the rules and regulations for Her Majesty's Colonial Service, viz., "if anything should happen which may be for the advantage or security of the Colony, and is not provided for in the Governor's Commission and Instructions, he may take order for the present therein," to contemplate such a case.

19. But apart from these considerations I would state that there is no process of law by which the civil servants of the lower ranks and minor creditors in the rural districts whose claims constituted on every account the most distressing and, therefore, most pressing demands upon the Government, could possibly recover, without great delay, the wages and payments which they had always been in the habit of receiving monthly, and upon which they depended for the daily subsistence of themselves and their families.

20. In this most important respect, therefore, there was no law practically available, and the emergency was, I thought at the time, and, with all deference and respect for your opinion, cannot do otherwise than still think, one which if its nature were rightly understood, and its probable consequences fully appreciated, did according to the view expressed in your despatch constitute an "excuse" and "justification" for the proceeding of "borrowing from a private bank large sums of money on behalf of the public."

21. I have never alluded to the "Crown Remedies and Liabilities Act" as affording a prompt and therefore practical remedy for the evils resulting from a suspension of monthly payments, but merely as showing that the tendency of the Colonial Law was to give facilities for enforcing just claims on the part of the public creditor. Had I waited "for one or other branch of the Legislature to yield or for both to compromise their differences," public creditors of all descriptions would have

* Vide Papers presented March 1866, pages 4 and 24.

remained unpaid, not only up to the present moment, but also for some weeks to come.

22. In respect to the responsibility which I incurred on this occasion I perceive that it is regarded as having been assumed with a questionable object.

Your despatch (taking leave again to quote its language) runs thus upon this point:—

“It was for one or other branch of the Legislature to yield, or for both to compromise their differences. It was not for you to give a victory to one or the other party, by a proceeding unwarranted either by your commission or by the laws of the Colony;” and again, “The Queen’s Representative is justified in deferring very largely to his constitutional advisers in matters of policy and even in equity. But he is imperatively bound to withhold the Queen’s authority from all or any of those manifestly unlawful proceedings by which one political party, or one member of the Body politic, is occasionally tempted to endeavour to establish its preponderance over another. I am quite sure that all honest and intelligent colonists will concur with me in thinking that the powers of the Crown ought never to be used to authorize or facilitate any act which is required for an immediate political purpose, but is forbidden by law.” I shall not presume to combat the opinion which I understand this language to convey; an opinion which I think, however, will be found to have been formed upon insufficient grounds, certainly upon grounds not furnished by the despatches you do me the honour to acknowledge, or the documents they inclose, and which, at any rate, discredits the clear declarations of the motives of my conduct contained in those despatches.

23. I will beg simply to record the following observations, viz.—

(1.) The contest between the Council and Assembly was at first, on the part of one side, to compel the adoption of the Tariff, and the other, to resist successfully the course of compulsion attempted. Subsequently it grew into the larger question, whether the Assembly should or should not effectively control the taxation of the country.

(2.) The real victory was not deemed by either party to consist in a successful effort to shake the public credit, and cause Government payments to be suspended for an indefinite period.

(3.) It was the Assembly that sought the early resumption of payments, and it is therefore to that body, I suppose, that I am accused of having given the “victory.” But the victory happens to have been to the Council. All that body desired to accomplish has been accomplished. The Tariff was sent up in a separate Bill. The Tariff was rejected, and has not become law. The claim of the Assembly to control the taxation of the Colony has been hitherto successfully resisted by the Council.

As the Council have attained this victory merely by exercising the powers they possess, it would seem that the contraction of the loan and the satisfaction of the public creditor could not have affected the question either one way or the other.

(4.) But I firmly believe, although I had no such purpose in view, that this result was morally facilitated by the contest being disencumbered of the pressure which would have been continued and augmented if the claims of the public creditor had remained unsatisfied; and that if I had designed to adopt a course in a spirit of partizanship to the Assembly, I could not possibly have inflicted a greater injury on the Council than by abstaining from any attempt to relieve the pressure, and thus allowing the anger and exasperation of the population of the Colony to accumulate against that body.

(5.) The movement in the Assembly which had my interference for its object, was initiated by a member opposed to the Government, and to the proceedings of the majority of the Assembly towards the Council in the question of the Tariff. The Resolution moved on the occasion referred to, which I quoted in my despatch No. 113,* was rejected, I believe, upon what was considered the constitutional ground, that it invoked any interference apart from my responsible advisers.

(6.) I have not been accused, or indeed openly accused, in the Colony of partizanship with the Assembly or the Ministry. The charge against me in the Colony is that I borrowed money without the sanction of law, and that in doing so I weakly surrendered my own opinion to that of my advisers.

The imputation in your despatch I understand to be that in taking that course I assisted my Ministers in “establishing a preponderance” for party purposes. I have shown, however, in my despatch No. 127* of 20th October last, that my Ministers

* Vide Papers presented March 1866, pages 4 and 33.

offered to resign long before the project of borrowing money was under consideration, but that as I saw no prospect of being able to carry on the Government if they had taken that step, I discouraged it. It would have been a vain effort, if indeed it would be in the spirit of a Parliamentary Constitution, to attempt to carry on the Government with advisers selected from the Council and a small minority in the Assembly, more particularly where a question of taxation lay at the root of the experiment.

Such an attempt, moreover, must have resulted in the immediate return of the present Ministers to office, with the majority of the Assembly still more determined to insist upon their views.

A dissolution I believed would have produced the same result ; and this belief is amply justified by the course which the present elections are apparently taking.

(7.) The suggestion for the adoption of measures to relieve the financial difficulty did not in fact proceed in the first instance from the Ministers. My object was to avert distress, and maintain, if possible, the credit of the Colonial Government of which I am the head, while permitting the Legislative controversy to take its course ; and accordingly before I received the address of the Assembly, I had invited the attention of my advisers to a proposal of my own, which had for its object the issue to public creditors of all classes, of certificates of the amounts accruing due to them from time to time, to which I expressed my readiness to attach my own signature, if that course would render them a more effectual security.

I was assured, however, that some of the banks would refuse to deal with such certificates, and that, at any rate, they would only be discounted at a very heavy premium.

I believed those opinions to be well-founded, and I suffered my project to drop.

(8.) Again, if any proceeding on my part which bears the character of interference between the contending parties be an act of partizanship, I am afraid I have exposed myself to a charge of a similar nature in urging upon my Ministers the expediency of obtaining an Appropriation Bill, as reported in my despatch No. 143* of the 25th November last.

(9.) And finally, upon this point, I am, in borrowing money considered to have adopted a course which you think blameable because the purpose for which it was borrowed might readily have been accomplished by another mode undoubtedly legal. How is it possible, then, I beg permission to ask, to assume that the proceedings referred to have had any effect, or at any rate any effect which could have been avoided in giving a "victory" to the Assembly, or an undue preponderance to the Ministerial party? Nothing, according to the view in question, was accomplished by my sanction of the loans which could not have been accomplished by another mode.

24. It is, of course, true that, by a conspiracy between the Governor, the Treasurer, a Law Officer of the Crown, and a local bank, money might, as observed in your despatch, be withdrawn from the public account in that bank ; but (as would be perceived by referring to my despatch No. 116,* paragraphs 10 and 12) the repayment to the bank can only take place with the concurrence of the Commissioners of Audit, and the disbursements made were all certified by those officers to be correct in amount, and in accordance with the Appropriation Bill, as it passed the Assembly, and with other laws.

25. In general, probably, the character of the gentlemen filling the offices referred to, or some of them, would be a sufficient joint guarantee that such a proceeding would not be resorted to for any other than a legitimate purpose, and the transactions could hardly be effected without the knowledge of subordinates, who, if not profitably concerned in, would probably immediately denounce it.

26. In this particular instance, however, the additional and, I should have thought, ample security was afforded by the fact that the course of proceeding was initiated under a vote of the Assembly, and was continued with the concurrence of that body conveyed by resolution.

27. With regard to the opinion you express that the expenditure of the money without an Appropriation Act was illegal, and the doubt entertained whether the Supreme Court would recognize a claim based upon the Annual Appropriation Bill before that Bill had passed into law, I need, perhaps, only state that there has been no departure from the established practice in this respect.

* Vide Papers presented March 1866, pages 68 and 24.

The Estimates, when and as passed by the Assembly, have, from the commencement of Responsible Government, been recognized as determining who are the recipients of public money, and the amount each is entitled to receive, pending the final passage of the Appropriation Bill, which generally does not become law until an advanced period of the year. In 1864 the Appropriation Act was not passed until the month of June, and in 1863 until the month of September. I am not aware that, upon this subject, any constitutional objection has been made in the Colony to the proceedings of the Government.

28. I would now advert to your observation that in three respects (to all of which I have hereinbefore referred) I have departed from the principle announced in my despatch No. 113* of the 25th of August.

29. I beg to say that although, as will be gathered from the foregoing portion of this despatch, I am unable to admit that I have intentionally departed from that principle, yet the announcement to which you call my attention had no reference to any future course of action which circumstances might induce me to adopt. In the despatch alluded to I acquainted you that only the night immediately preceding the day on which it is dated, the resolution of which I gave the *ipsissima verba* had been carried in the Assembly. I had of course not received the resolution itself, nor given to it any consideration, nor communicated with my advisers respecting it.

30. I observed, therefore, that I could at that moment say nothing in regard to the object of the resolution, except that I had already apprised my Ministers that I would take no step not strictly authorized by law. That communication had, in truth, been made to the Ministers before the passage of the resolution of the Assembly. It was made, I think, on the occasion when I discussed the project of granting certificates to which I have just referred, and while I had yet some hope that the suspension of intercourse between the Chambers would not be of long duration. But the state of circumstances was of course entirely changed after the Assembly had intimated that they would support me in any measures in which my Advisers should concur for satisfying the liabilities of the Government and maintaining the efficiency of the public service; and I had found that my own efforts to conciliate the Chambers having failed, the difficulties occasioned by the delay in the passing of an Appropriation Act would therefore be of indefinite duration.

31. I have now to report that before the receipt of your despatch on the 17th instant, it had been determined by the Government not to contract a loan on account of the service of the year 1866. I beg to inclose a copy of my Minutes to the Ministers, showing the grounds upon which my views on the subject, in which they readily acquiesced, are founded.

32. Upon a review of the statements I have now submitted, in conjunction with the terms of your despatch, I am happy to think it will be apparent that in regard to two of the points to which you refer, viz., the levy of Customs duties and the payment of salaries and other claims, there has been no proceeding on the part of the Government which can be pronounced to be forbidden by law; while upon the third point, viz., the contraction of a loan, it has been shown, and I trust conclusively, that the ground upon which you consider that that measure would be justifiable, namely, an "overwhelming emergency," did undoubtedly exist. Such, at any rate, was, and is, the belief of the Queen's Representative, of the Legislative Assembly, and of a majority of the inhabitants of the Colony, so numerous that I may well describe it also as overwhelming. I add, with perfect confidence in the truth of my assertion, that not only was the emergency one of the nature described, but that, under the circumstances by which I was surrounded, the only mode of meeting it was that which I adopted.

33. I beg respectfully to express my acquiescence in your opinion that all honest and intelligent colonists would concur in the principles laid down in your despatch as to the use of the powers of the Crown, and I rejoice to know that it is precisely by colonists who combine the qualities referred to with freedom from personal and pecuniary influences, that my conduct in sanctioning the arrangement by which the public credit was maintained is most favourably regarded, as being in accordance with those principles.

I have, &c.
(Signed) C. H. DARLING.

* *Vide* Papers presented March 1866, page 4.

Inclosure 1.

Extract of a Letter from Messrs. Nutt and Murphy, Solicitors, to Governor Sir C. Darling.
Sir,

24, William Street, Melbourne, January 19, 1866.

WE have the honour to inform you, that as Solicitors for the firm of Messrs. L. Stevenson and Sons, of this city, in the month of July last, and in pursuance of the provisions of the "Crown Remedies Statute," we instituted proceedings in the Supreme Court of this Colony, against Her Majesty the Queen, to recover the sum of 3,324*l.* 19*s.* 2*d.*, being an amount illegally levied by your Excellency's Government as Customs duties upon certain merchandise the property of our clients. The cause came on for trial before a special jury of twelve jurors, during the late civil sittings of the Supreme Court, was defended by the Crown, and a verdict was obtained by our clients for the full amount claimed, but subject to the decision of the full Court, consisting of three Judges, during the late term; and after a very lengthened hearing, the Court delivered a unanimous judgment in favour of Messrs. Stevenson and Sons.

Our clients have therefore obtained in their favour the verdict of a special jury on the merits of their claim, and the judgment of the full Court on the questions of law raised by the Crown against such claim.

A judgment was therefore duly entered up and recorded against Her Majesty the Queen in this action in the Supreme Court on the 13th day of December last for the sum of 3,477*l.* 7*s.* 2*d.*, as will appear by the certificate of the Prothonotary of the Court, a copy of which is hereby annexed, marked (A).

(A.)

In the Supreme Court of the Colony of Victoria.

Between Leader Cox Stevenson and George Stevenson, Petitioners, and the Queen, Respondent.

I DO hereby certify that Leader Cox Stevenson and George Stevenson, trading under the style of "L. Stevenson and Sons," of Flinders Lane, in the city of Melbourne, wholesale warehousemen, did on the eighth day of December, one thousand eight hundred and sixty-five, obtain a judgment of the Supreme Court in their favour, and that by such judgment the sum of three thousand four hundred and seventy-seven pounds seven shillings and two pence was awarded them.

Dated this thirteenth day of December, one thousand eight hundred and sixty-five.

(Signed) JOHN A. PORTER,
Prothonotary of the Supreme Court of the Colony of Victoria.

			£	s.	d.
Debt	..	..	3,324	19	2
Costs	..	..	152	8	0
			£3,477	7	2

Inclosure 2.

Memorandum for the Honourable the Treasurer.

I HAVE grave doubts about the propriety of obtaining money from the London Chartered Bank on account of payments for the year 1866.

In the year 1864 the first Bill for applying the public revenue was not passed until some days after the January payments had become due; and in the present year the delay need only be for a few days longer.

The Resolution of the late Assembly requesting the Governor to take steps for maintaining the public credit can scarcely be regarded as still in force, and I think that it is important to show that it was only under the peculiar nature of the emergency last year that we resorted to the course then adopted. At the meeting of the Executive Council last Monday it was determined to postpone any decision on the question until next Monday's meeting.

C. H. D.

January 12, 1866.

Memorandum.

I see no objection to the supplementary expenditure for 1865 being provided for by means of a loan, and a repayment thereof from the Public Account, considering that course to have been in effect concurred in by the late Assembly; but with regard to the expenditure for 1866, I am of opinion that if the Legislature be convened at the earliest possible date, and a so-called Consolidated Revenue Bill be introduced as soon as possible, that the inconvenience to the Civil Service would be inconsiderable.

With respect to the payment of labourers' wages, the amount might surely be obtained by loan, to be repaid not immediately through the Crown Debts Act, but as soon as the first Consolidated Revenue Act should be passed.

I propose forwarding through the Treasurer a Minute to the Commissioners of Audit, referring to the legal opinion of the Crown Law Officers upon the 45th clause of the Constitution Act and the Civil Service Act.

C. H. D.

January 15, 1866.

No. 2.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to the Officer Administering the Government of Victoria.

(No. 32.)

Sir,

Downing Street, March 26, 1866.

WHILE I think it unnecessary to discuss in any spirit of controversy the subjects referred to in Sir Charles Darling's despatch No. 4* of January 22, some points arise on which I ought not to leave you without guidance in your administration of the Government.

I wish you clearly to understand that while usage frequently furnishes the proper rule of conduct, the principle on which that usage is founded must always be kept in view. It has not been my intention to object to the levying of Customs duties upon the authority of Resolutions of the Legislative Assembly alone, whenever the usual expectation exists that those Resolutions will be confirmed by an Act of the entire Legislature speedily passed into law. Such an usage is reasonable and convenient, conformable to that of this country, and not likely to be disputed. But in the recent case in Victoria the expectation was otherwise. It has been described by Sir C. Darling in the following words:—Writing on March 25th he informed me that “the events of importance which have occurred in the Legislature since the departure of the last packet, are the passage into law of the Land Act Amendment Bill, and an announcement made by the Ministers in the Assembly that it is their present intention to embody the new Tariff, which has recently passed that House, in the principal Appropriation Act of the Session, with a view of deterring the Council from rejecting the Tariff, which there is much reason to believe will meet with but little favour in that branch of the Legislature;” and again on July 27th—“Last night Mr. McCulloch, the Chief Secretary, gave notice of his intention to move to-night in the Assembly, the Resolutions which are stated in the accompanying notice paper. There can be no doubt that these Resolutions will be carried, but I am not inclined to think that the Council will give way under such a deliberate threat, and I am afraid that the two Houses are now in a state of antagonism, of which it is very difficult to foresee the result, and which will probably lead to much perplexity and embarrassment.” And again on September 18th—“In the matter of the Tariff and Appropriation Bill of Victoria, no rejection of the Tariff had actually taken place: it was only regarded as certain that such would be its fate.” It was, therefore, very clear that the expectation which in such a case is the ground on which the usage rests, did not exist; but that, on the contrary, the combination of the Tariff with the Appropriation Bill was resorted to because the majority of the Assembly believed “that the Legislative Council would exercise the power conferred upon it by the 56th section of the Constitution Act and reject the Tariff.” Under such circumstances the argument from usage was inapplicable. But the case was placed beyond the reach of argument by the decision of the Supreme Court. It was stated to me in the petition of the Legislative Council, which I received informally with the despatches leaving the Colony in September, and formally with

the reply of Sir Charles Darling, by those leaving in October, that "several suits in the Supreme Court have been instituted for recovering back the duties thus levied upon imports, and that Court has decided that their collection was not warranted by law; but, nevertheless, the Governor still allows the pretended duties to be collected as if no such Judgment had been pronounced." Sir Charles Darling, indeed, now informs me that the final Judgment of a full Court upon the questions of law which the proceedings involved was not given, nor was final Judgment entered up and recorded, until the month of December; but while I do not gather from his despatch what bearing this statement has upon the real merits of the question, the fact remains that I had learnt from a previous despatch, that of the 20th October, and from the opinion of the Attorney-General inclosed in that despatch, that it "never was pretended that the duties were collected under authority of law," and that the Supreme Court had decided that the alleged privilege of the Assembly pleaded on behalf of the respondent, assuming it to exist in fact, was bad in law; but that "the Government cannot accept this decision as final on a question so vitally important to the protection of the revenue, the convenience of the mercantile community, and, above all, the rights of the Legislative Assembly in the imposition of taxes. Application has been made for leave to appeal to the Judicial Committee of the Privy Council from the Judgment of the Supreme Court, and, until the appeal has been decided, the Government does not feel that it would be justified in ceasing to collect the duties, and thus disturbing the financial arrangements and income of the year." It thus appears that the decision of the Supreme Court upon the principal subject in dispute had been published in September, and that the Executive Government determined not to accept it. But for the misunderstanding which has actually arisen, I should have thought it unnecessary to instruct you that a decision of the Supreme Court is law until it shall have been reversed upon appeal, and that neither the opinion of your Law Officers, nor the determination of the Executive Government, ought meanwhile to prevail with you against it.

With respect to such a measure as that of borrowing money, in a manner unwarranted by law, for the purpose of averting a public inconvenience, I trust that I need not consider, in the case of the prosperous and intelligent community whose Government you are called to administer, what would constitute such an emergency as to justify any departure from the letter and spirit of the law. But I think it is clear that no such emergency had arisen in Victoria; and that to raise money for the public service, either by the scheme actually resorted to of borrowing from a bank, or by any other measure not sanctioned by the Legislature of Victoria, was not justifiable. Sir C. Darling himself had reported to me his opinion that the difficulty with which he had to deal had been brought about by an overstrained exercise of their powers on the part of both the deliberative Chambers, and that concession on either side adopted in the true spirit of the Constitution would immediately remove it. He had declared this opinion to his Ministers, and in connection with it had most properly expressed his determination to adopt no step not strictly authorized by law. I do not very clearly understand his present explanation of these statements; but as I understood the statements at the time, I approved, and still approve them. I fully appreciate the difficulties which would have arisen from the continued conflict between the two Houses, followed as it would have been, if this borrowing had not been resorted to, by a continued suspension of the payment of salaries to the public servants, except under process of law. But, if constitutional Government is to be carried on at all, such difficulties are to be removed by concession, made in the spirit so justly indicated by Sir C. Darling. They are not to be removed by irregular acts of power. Anarchy, indeed, may ultimately result from continued opposition between two constituted authorities, each obstinately insisting on its extreme rights. But anarchy has come already when the Executive Government, entrusted with power for the maintenance of public order and the protection of private rights, uses that power for the purpose of illegally setting aside the authority of one branch of the Legislature, and of overbearing the decisions of the Supreme Court, and depriving the subject, even for a time, of that which the Court has decided to be his.

Sir C. Darling argues that in raising money to meet the current expenditure of the Government, he had no desire to act as the partizan of the Assembly, and, in fact, pursued a course rather favourable to the Council; and he appears to consider that by this argument he removes or diminishes the weight of my observation, that the powers of the Crown ought never to be used to authorize or facilitate any

act which may be required for an immediate political purpose, but is forbidden by law.

I readily assume that his only object was to remove an immediate difficulty, from which he foresaw that much practical inconvenience would arise to the colony. It is indisputable that the steps adopted by him were in accordance with an Address from the Assembly, who had requested him "to take steps for satisfying the public creditor and maintaining the efficiency of the public service," which he regarded as a vote of credit for a specified object, and were the subject of an adverse memorial addressed to Her Majesty by the Legislative Council. I wish you, however, to observe that this consideration is, in fact, wholly immaterial. My observation was equally applicable, whatever might be the political effect of the illegal step. The true interest of every one who loves free institutions and appreciates Constitutional Government is, that no such considerations shall be entertained at all. It is for you to inquire, not whether the result of any step which you may be invited to take, will operate in favour of this body or of that, of one political party or another, but whether it is in itself legitimate. If it be clearly contrary to law, you will refuse compliance; and will inform your Ministers that while in all lawful matters you are desirous of being guided by their advice, you have a higher and paramount duty, which is to observe the existing law of the Colony.

I have, &c.

(Signed) EDWARD CARDWELL.

**Further Correspondence respecting the
Non-Enactment of the Appropriation
Act in Victoria: 1865.**

(In continuation of Papers presented to Parliament
in March 1866.)

*Presented to both Houses of Parliament by
Command of Her Majesty. 1866.*

FURTHER CORRESPONDENCE

RESPECTING THE

NON-ENACTMENT

OF THE

APPROPRIATION ACT IN VICTORIA:

1865.

(In continuation of Papers presented to Parliament March 23,
1866.)

*Presented to both Houses of Parliament by Command of Her Majesty.
May 28, 1866.*

LONDON:
PRINTED BY HARRISON AND SONS.

SCHEDULE.

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DESPATCHES FROM THE GOVERNOR.

Despatches from the Governor.

No. 1.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received April 12, 1866.)

(Separate.)

Sir,

Government House, Melbourne, February 17, 1866.

I HAVE the honour to request leave to correct an omission in the seventh paragraph of my despatch, No. 152,* of the 23rd December last, by the insertion of the word “not” between the words “Tariff” and “becoming” in that paragraph, thus making the passage read: “It was well known that the object of the parties by whom the actions were brought was not simply to ‘recover back’ the duties in the event of the new Tariff not becoming law, knowing well as they did that in that case the duties would be voluntarily reimbursed by the Government.”

I have, &c.

(Signed) C. H. DARLING.

No. 2.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received April 12, 1866.)

(No. 13.)

(Answered, No. 47, April 25, 1866, page 51.)

Sir,

Government House, Melbourne, February 17, 1866.

IN those passages of the despatch which I had the honour to address to you, upon the 22nd ultimo, No. 4,† which refer to the opinion expressed in your despatch of the 27th November last, No. 107,‡ to the effect that I had departed in three respects from a principle which I am considered to have previously announced as a rule of public conduct, I have confined my observations to the explanation that the announcement in question did not relate, as was supposed, to the state in which matters stood at the date of my despatch containing it, but to a previously existing state which was materially changed by subsequent events.

2. I would now beg leave to submit that in regard to two at least of the points referred to, the supposition that my announcement related to them in any degree whatever involves a self-evident anachronism. Thus with respect to the first point, viz.: my alleged concurrence in the collection of duties “without sanction of law,” it will be remembered that the announcement referred to was made upon the 25th August, while it has been shown, not only that the collection of duties commenced in the month of February preceding, but that even the laying aside of the Bill by the Legislative Council, which is considered by that body to have rendered the subsequent levy of duties wholly unwarrantable, took place in the month of July. Both these facts are stated in the Address of the Legislative Council to Her Majesty (paragraph 22), which document appears by the marginal references in your despatch, No. 107, to have been under your notice, when you were pleased to address to me that communication.

3. In another passage of your despatch, you have expressed the decided opinion that independently of the judgment of the Supreme Court, no consideration that is discernible in my despatches “should have induced me to give my concurrence to the levying of these duties.” I have, in my despatch No. 4, endeavoured to put you fully in possession of the facts of this case, and have ventured to point out that I

* Vide Papers presented March 1866, page 77. † Vide Papers presented March 23, 1866, page 1.

‡ Vide Papers presented March 1866, page 101.

had not, in any communications which could have been before you at the time when you expressed that opinion, had occasion to advert in any respect to the collection of the duties, or to submit to you any considerations in relation to that question.

4. If you will be so good as to refer to my despatch of the 25th August, you will find, indeed, that the announcement to which reference has been made, did not relate to the Customs duties at all, but exclusively, to the "object" of the Address from the Legislative Assembly, which object, it is apparent from the terms of the Address itself, was limited to the payment of the Civil servants and the discharge of other pecuniary obligations of the Government.

5. I have also taken care to inform you that the collection of the duties was in conformity with precedent and usage; that they were collected with the sanction of the proper legal authorities, and that my special concurrence was neither requested nor deemed to be necessary.

6. In support of these statements, I would now beg respectfully to call your attention to the Customs Act of this Colony, No. 13 (copy herewith*), from an examination of which it will be seen that the management of all Customs duties, and the control and direction of all matters relating to the Customs, is by law placed in the Commissioner of Trade and Customs, who is a responsible Minister of the Crown; and that provision is made therein for appeals both to the Courts of Law and, in certain stated contingencies, to the decision of the Governor in Council.

7. I would also bring under your notice the fact that during the time when this Act was passing through the Legislature in the Session of 1857, a Bill was introduced and became law (Act No. 7) for granting a duty on opium. This Act bore date the 9th July, and legalised duties the collection of which had commenced on the 26th May immediately preceding; thus demonstrating, that at the moment when the Legislature was engaged in deliberately revising and amending the Customs Laws and making the Commissioner of Trade and Customs responsible for the management and collection of the duties, it was at the same time distinctly recognizing the principle of commencing to collect the duties from the date of the resolution of the Assembly, upon which the Bill intended to legalize those duties is founded. I have shown also in former despatches, that on two instances since the Customs Act was passed, the same principle has been acted upon.

The practice, therefore, in this Colony may be said to rest upon the precedents which its own history affords, and scarcely requires the support which it derives from the example of the mother country.

8. Such being the state both of the law and of the practice, I may, I am sure, be permitted to doubt, not only whether before I had received the distinct command upon the subject conveyed by your despatch No. 107, it was incumbent upon me to interfere; but whether I should have been at all justified in interfering with the responsible Minister in the discharge of functions specially confided to him by law, in regard to which I had no reasonable ground for supposing that he was acting contrary to law or usage; and the proper performance of which may be enforced by means of the provision which is made for appeal, either to the Courts of Justice or to other Tribunals specially constituted for the purpose.

9. The second point in regard to which I am said to have departed from the principle announced by me on the 25th August, is that I paid salaries without the sanction of law; but it will be seen at once that I could not possibly have intended that the principle I announced should apply to the payment of salaries, because I had throughout the whole of the year preceding the 25th August paid salaries, or rather attached my signature to the documents necessary for paying them, without the sanction of statute law. The same practice has obtained, both with myself and my predecessors, since the initiation of Parliamentary Government.

10. I have explained in a former despatch, that until the month of June 1862, not only were the services to which the public money was to be applied with the specification of the recipients, and the amount to be paid to each, determined by the Estimates as passed by the Assembly, but that the public money was issued for application to the public service, upon no other authority than that which a vote of the Assembly afforded.

11. When the practice of passing Acts to authorise the issue and application of the sums required from time to time was introduced in 1862, no alteration was made in regard to the expenditure. The effect of those Acts was simply to place a sum at the disposal of the Government for the public service, all the details of

expenditure being left as before, to be determined by the Estimates passed by the Assembly.

12. I beg to inclose a copy of the first of these Acts,* together with a copy of the report of the proceedings in the Legislative Council on the occasion of its second reading, which, I may incidentally remark, leads to the conclusion that no great importance was attached by that Body to the change in the financial system which the Act inaugurated.

13. I inclose also a copy of the last of these Acts. It will be seen that the first Act recognizes a message of the Governor to the Assembly, as a sanction for the expenditure. In two instances the estimates have been declared in the Act itself to be the guide for the expenditure; but the more usual form has been that of the last mentioned inclosure (Act No. 276), by which a sum of money is simply provided to meet the pecuniary engagements of the Government.

14. It will be perceived by a reference to the Audit Act (which I have already transmitted) and to the Financial Regulations of the Government founded thereon (which I herewith forward), and especially to the 31st and following section of the Regulations, with Forms O, P, Q, that the details of the expenditure for the year are communicated to the Departments under the authority of the Governor. Although the 31st Regulation contemplates the Appropriation Act as the basis upon which such authority should be given, yet the Estimates as passed by the Assembly, have, in consequence of the late period of the year at which the Appropriation Bill has become law, been accepted by both branches of the Legislature and all the authorities concerned, as a sufficient ground for the issue of the Governor's letter of authorization.

15. I beg to inclose a copy of the letter (Form O) usually issued immediately after the Estimates are passed in the Assembly, and which last year bore date upon the 5th February, the Estimates having been passed upon the 24th January.

16. Whatever blame, therefore, may be considered justly imputable in respect of the mode in which money was obtained to meet the exigencies of the occasion, it cannot, I think, be said that the money, when obtained, was disbursed otherwise than in conformity with established practice, and that until I received your despatch No. 107 I had no reason to suppose that in continuing the system I had in any degree departed from the line of duty as Her Majesty's Representative.

17. These facts will, I think, satisfactorily prove that in this respect also I did not after the 25th of August depart from any principle which I had on that day announced as one to which I intended to adhere.

18. To suppose this, indeed, is to suppose nothing more or less than that on the 25th of August I had determined to abandon a course which I had up to that date pursued with the concurrence of my Ministers and of both branches of the Legislature, and in accordance with previously established practice, at the very moment when its continuance was most essential to the proper conduct of the Government.

19. With regard to the mode by which the money was obtained, which forms the third point adverted to in your despatch as constituting a departure from the principle said to have been announced by me, no question based upon a conflict of dates, as in the other cases, arises. What I did was done after the 25th of August, and therefore if the principles to which I referred had in truth applied, and if I had believed the course pursued in contracting and immediately repaying a loan to be illegal, my conduct would certainly have been justly open to the observation you have made.

20. But I assure you, Sir, that while the "policy" and "equity" of that course are, I conceive, unquestionable, and the emergency which called for it seemed to be of the most pressing character, the suspended payments amounting to about 200,000*l.* a-month, as will be seen by the accompanying quarterly statement of expenditure,* I did not believe it to be even constitutionally illegal, much less "manifestly unlawful," although I was certainly aware that there was no statute expressly sanctioning it.

21. I knew, however, that the purposes to which the money borrowed would be applied, and the several amounts to be paid, had the sanction of Parliament to the same extent that such sanction had been obtained in any year since the establishment of Parliamentary Government previously to the passage of the Appropriation Act for that year. I knew that the Appropriation Act itself had passed the Assembly, that the Council had expressed their readiness to concur in it, and that

* Not printed.

the formality of giving that concurrence alone was wanting, although it might be long delayed in consequence of the antagonistic resolutions behind which both Houses had, so to speak, entrenched themselves.

22. I knew that pecuniary engagements, and contracts of all descriptions for the ordinary and indispensable public services, are habitually made by the Government in anticipation of the annual Appropriation Act. I saw no virtual difference between making an engagement to pay money for services given or value received, which would be legally recognized, and borrowing money to meet engagements already made, either under the provision of law, or under authority deemed to have the force of law; and, finally, to repeat what I have more than once already stated, I was advised by the Law Officers of the Crown that the step intended to be adopted was within the legal competency of the Government to adopt.

23. I have felt it necessary to offer these additional observations in reference to the supposition that I had departed from a principle to which I had declared my intention to adhere, because that supposition is set forth in your despatch as the basis of the opinion conveyed in those passages of it wherein it is observed, "It was not for you to give a victory to one or the other party by a proceeding unwarranted, either by your commission or by the laws of the Colony; and as at present advised, therefore, I am of opinion that in these three respects—in collecting duties without sanction of law, in contracting a loan without sanction of law, and in paying salaries without sanction of law,—you have departed from the principle of conduct announced by yourself and approved by me, the principle of rigid adherence to the law. I deeply regret this. The Queen's representative is justified in deferring very largely to his constitutional advisers in matters of policy, and even of equity; but he is imperatively bound to withhold the Queen's authority from all or any of those manifestly unlawful proceedings by which one political party, or one member of the body politic, is occasionally tempted to endeavour to establish its preponderance over another. I am quite sure that all honest and intelligent colonists will concur with me in thinking that the powers of the Crown ought never to be used to authorize or facilitate any act which is required for an immediate political purpose, but is forbidden by law."

24. Not knowing upon what information, or representations, or from what source derived the opinion which I understand these passages to convey is based, I cannot, as observed in my despatch No. 4, venture to combat it, nor can I offer such clear explanations as I should on every account desire to place before you.

25. The charge has not been openly preferred in any of the petitions transmitted from this Colony. But I anticipated, as you will find by reference to my despatch No. 127* of the 20th October, paragraph 48, that accusations of the kind would be made in England upon Colonial instigation, and it has been frequently advanced in the "Argus" newspaper, a journal whose unscrupulous and mendacious character is, however, now so thoroughly recognised in the community as to justify the assertion that the fact of any statement appearing in its columns in support of the cause it espouses for the time being is *prima facie* evidence that that statement is untrue.

26. I have, indeed, in my despatch No. 4 noticed some facts which may, perhaps, remove the impression you appear to have received, and I shall gladly submit to any test which can be devised for proving the justice or injustice towards me of the conclusions in this respect you have already announced.

27. I might no doubt adduce much testimony, so far as local opinion could avail, in support of my declaration that I acted upon pure public motives, and with the single object of securing the public welfare. But I will only at present further occupy your time by begging to remind you that in a minute to my advisers dated the 21st November last, and communicated to you by my despatch No. 143* of the 25th of that month, I thus expressed myself: "My advisers are aware that in accepting whatever degree of responsibility may attach to me in regard to the financial arrangements by which the public credit is at present maintained, I have been influenced solely by what has appeared to me to be the paramount obligation of averting from the community confusion and distress during the continuance of the contest between the Legislative Chambers, and not by any consideration whatever connected with the merits of the contest on either side," and that upon the 23rd December following, when transmitting to you the petition of the members of the Executive Council, not now in office, and while still unaware of the views which you would take of my proceedings I used this language, viz. :

* Vide Papers presented March 1866, pages 33 and 68.

28. "The complaint of the petitioners is directed against me specially and personally, and is to the effect that the alleged illegal acts which the Address details could not have been committed, much less persisted in, if I had not given to those acts the sanction of my authority; and the petitioners add, we desire to appeal to your Majesty only on the point whether your Majesty's Representative should have lent the sanction of your Majesty's name to the several acts of the Government which we have above described.

29. "I cannot more comprehensively reply to the accusation which this combination of *ci-devant* Ministers have thought fit to prefer than by stating that there is no so-called illegal act on the part of the Government which they accuse me of having sanctioned which I should not, so far as respects the general principles upon which it is based, have carried into effect, if the Executive authority had been deposited solely in myself, and if I were not under the obligation, which by Her Majesty's Instructions I now am, to ask the advice of the Executive Council in all cases, and to be prepared whenever I reject that advice to record in detail the reasons and grounds of such rejection.

30. "I should undoubtedly have directed the levy of the new duties of Customs as soon as the Resolutions of the Assembly revising the Tariff had been passed, if such was the expressed intention of the Assembly upon the understanding that the duties would be so collected provisionally, and subject to the ultimate decision of the Legislature as declared either by the passage or rejection of the Act intended to legalize their collection, and that the steps taken by the authorities of the Custom-house should be supported by the opinion of the Law Officers of the Crown.

31. "As to the legal effect of the decisions of the Supreme Court I should have felt that I ought to be guided in a purely legal question by the opinion of the Law Officers, and I should have acquiesced in their advice to appeal from those decisions the more readily since, while the Judges could not do otherwise than pronounce them, it was well known that the object of the parties by whom the actions were brought was not simply to 'recover back' the duties in the event of the new Tariff not becoming law, knowing well as they did that in that case the duties would be voluntarily reimbursed by the Government, but that their design was one which, however feasible in law, was certainly of questionable morality, viz., to recover back these duties in the event even of their being ultimately legalized, thus obtaining an advantage over all their fellow importers who might not have adopted the same course. This result it was hoped to accomplish by bringing the actions to a termination in the local Courts before the fate of the Tariff should be finally decided in the Legislature.

32. "If indeed I had, when acting on my sole responsibility, regarded the 'laying' aside of the Bill, uniting the Tariff with the Appropriation Bill, as a final rejection of the Tariff by the Council, I should have considered it incumbent on the Government to cease collecting the duties under that Tariff, but whatever effect the laying aside of the Bill might be deemed to have in respect to the Bill itself, it certainly could not be considered as finally rejecting the Tariff, because the resolution of the Council laying aside the Bill declared the readiness of the Council to consider the Tariff when submitted to them separately, a course which they did in fact adopt when a Bill, based upon the original resolutions of the Assembly, was subsequently sent up by that body.

33. "I should in such an emergency as I had to deal with have gladly availed myself of the means of procuring money to maintain the public credit and avert wide-spread distress, which the Government did in effect resort to, never doubting that there was nothing illegal or unconstitutional in adopting that course, especially when supported by an unlimited vote of credit from the Assembly, or in continuing to pursue it while the emergency lasted, since by a subsequent resolution of that House the particular measure itself was specially and distinctly approved of. I may add that I should have gone much further than my Ministers counselled me to do, for I should have peremptorily withheld from those banks which refused to assist Government by loans any further deposits of the public revenue.

34. "Nor should I have hesitated, if supported by the opinion of the Law Officers of the Crown, to repay the loans through the instrumentality of the Act for the enforcement of claims against the Crown, particularly when I found that that Act had been brought into operation against the Government by the holders of just claims upon its Treasury.

35. "If, therefore, I would have done these things of my sole authority, I need not say that I accept all the responsibility of having sanctioned them as the

Representative of the Crown, under the system of responsible self-government, which prevails in this Colony."

36. If it be admitted that I am sincere in saying, as I have said in the foregoing extract, that I would have done the acts therein enumerated of my own authority had I been in a position to exercise that authority without control, the charge that I concurred in or sanctioned them, or any of them, in concession to the persuasion of my Ministers, for party purposes, will scarcely I think lie against me from whatever quarter it may have originally proceeded.

I have, &c.
(Signed) C. H. DARLING.

Inclosure 1 in No. 2.

(No. VII.)

An Act for granting a Duty of Customs on Opium.

[July 9, 1857.]

Preamble.

WHEREAS it is expedient to grant to Her Majesty an additional duty of Customs, be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled, and by the authority of the same, as follows (that is to say) :

Duty imposed.

I. In addition to all other duties of Customs heretofore levied, there shall be collected and paid to Her Majesty upon opium imported into Victoria the duty of Customs hereinafter mentioned, that is to say, the rate or sum of ten shillings on every pound weight thereof.

Certain goods to be deemed opium.

II. In the construction and for the purposes of this Act, all goods, wares, and merchandize mixed or saturated with opium, or with any preparation or solution thereof, or steeped therein respectively, shall be deemed and taken to be opium, and shall be subject as such to the duty of Customs hereby imposed.

Commencement of Act.

III. This Act shall be deemed and taken to have commenced and come into operation on the twenty-sixth day of May, one thousand eight hundred and fifty-seven.

Inclosure 2 in No. 2.

Legislative Council.—Consolidated Revenue Bill.

Mr. Mitchell in moving the second reading of this Bill, which was to appropriate 422,250*l.* out of the consolidated revenue for the service of the present year, observed that the measure had been brought in to enable the House to exercise some control over the expenditure of the country (laughter), and to comply with the requirements of the Audit Act.

Mr. Fawcner asked if the House felt that the sum mentioned was not a fit and proper sum, what steps it could take to make its opinion effective.

Mr. Mitchell said that the Bill was a measure similar to the Appropriation Bill, and the House could adopt it altogether or reject it altogether (laughter).

After some discussion the motion was agreed to, and the Bill was read a second time.

The Bill then passed through Committee, and was afterwards reported to the House and adopted, the third reading being made an order of the day for Thursday.

(Victorian "Hansard," Session 1861-62, vol. viii, p. 1196.)

Inclosure 3 in No. 2.

(No. CCLXXVI.)

An Act to apply out of the Consolidated Revenue the sum of Two hundred thousand pounds to the service of the year One thousand eight hundred and sixty-five.

[June 30, 1865.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled, and by the authority of the same, as follows—

1. Out of the consolidated revenue there shall be issued and applied any sum or sums of money not exceeding Two hundred thousand pounds, which have been voted by the Legislative Assembly for the service of the year One thousand eight hundred and sixty-five.

Preamble.

Issue and application of 200,000*l.*

Inclosure 4 in No. 2.

General Regulations respecting Public Accounts.

HIS Excellency the Governor, with the advice of the Executive Council, hereby notifies that on and after the 1st day of May, 1859, the following Regulations respecting public accounts, framed in pursuance of the Act 22 Victoria, No. 86, sec. 2, will come into operation, and the Regulations of 7th and 14th December, 1857, will thereby be repealed :—

1. Persons appointed to collect moneys on account of the "Consolidated Revenue" will be and will be called "Collectors of Imposts;" and persons appointed to receive such moneys from such Collectors will be and will be called "Receivers of Revenue;" and persons appointed by his Excellency to pay accounts transmitted to them for that purpose by the Treasurer, as hereinafter mentioned, will be and will be called "Paymasters."

Appointment of Collectors, Receivers, and Paymasters.

2. Collectors of Imposts, and all other persons in the public service who may receive any money on account of the Consolidated Revenue, are to pay their collections to the Receivers of Revenue in the manner and at the times and places to be notified to such Collectors by the Treasurer; and in the event of such notification not being made or received, they are to pay their collections on the last day of each month to the nearest Receiver of Revenue.

Duties of Collectors.—C. 2 to 8, inclusive.

3. The full amount of all collections is to be paid over to the Receiver of Revenue without deduction, except as next hereinafter mentioned. Charges on the sale of public property (not being public lands), and the share of penalties to seizing officers, informers, prosecutors, or other persons, when legally payable by the Collectors out of their collections, will be paid out of and deducted from such collections; and full, true, and particular accounts of all such deductions must accompany the statement required to be delivered by the Collector of Imposts or other person to the Receiver of Revenue, as hereinafter mentioned. In the event of the sale, whether by auction or by tender, of property belonging to Government, the payment of the proceeds into the Treasury must be accompanied by the account sales, tenders, or other documents relating to the transaction.

4. When by virtue of any legal process any moneys are received by any person in the public service, for or on account or for the use or benefit of any other person, and shall have remained in possession of such person for a period of seven days, he is to pay the same into a bank, at such place and in such manner as may be notified to him by the Treasurer; and whenever such money shall have remained in such bank or under his control for three months next after the time at which the person entitled thereto could and might have received the same, the amount is to be paid into the Treasury to the credit of the Trust Fund.

5. Every Collector of Imposts, and every other person who may collect money as aforesaid, at the time of paying any moneys to a Receiver of Revenue, is to deliver to such Receiver a statement in the form annexed marked A,* signed by such Collector or other person; the particular heads of receipt under which such moneys came to his possession or control, and of the days of the month on which the same respectively were collected.

6. Every Collector and other person, at the time of paying any money to a

* The Forms alluded to in these Regulations are not printed.

Receiver of Revenue, will obtain from such Receiver, who is to give to such Collector and other person, a discharge for such money in the form annexed, marked B.

7. In case any one person is a Receiver of Revenue and a Collector of Imposts, the statement and discharge respectively above-mentioned will not be necessary; but in that case such persons will at the time appointed for delivering or sending the "accountable receipt," hereinafter mentioned, deliver or send by the post to the Treasurer a statement, signed by such person, of the particular heads of receipt under which the moneys by him collected and paid, as hereinafter directed, came to his possession or control, and of the days of the month on which the same respectively were collected; and every such statement is to be in the form annexed, marked C.

8. Every Collector of Imposts, and every other person as aforesaid, will, on or before the 10th day of every month, deliver or send by post to the Commissioner of Audit a return of all moneys collected by him for or on account of the Consolidated Revenue during the month next preceding, and of all moneys which by virtue of his office or employment have been collected by him for or on account or for the use or benefit of any other person during the same period, and which by any Act now or hereafter shall be directed to be paid into the Treasury; and also of all moneys which by virtue of his office or employment, or of any legal process whatsoever, have been collected by him for or on account or for the use or benefit of any other person or corporation, and which at any time during such period have remained in any bank or under his control for three months next after the time at which such persons and corporations respectively could and might have received the same; and every such return is to be in the form hereunto annexed, marked D, and is to have thereon a declaration duly made and subscribed by such Collector of Imposts, or other person as aforesaid, as shown in the said form of return. When no money is collected during the month, the Collector is, nevertheless, to furnish the usual return, duly declared to, with the word "nil" written in the place for inserting particulars.

9. Every Receiver of Revenue will pay into a bank daily, in the manner and at the places to be notified to such Receivers by the Treasurer, all moneys which shall have come into his possession or control on or before that day as a Collector of Imposts, or as such Receiver as aforesaid, and such moneys are to be paid by such Receiver to an account in such bank, to be called the "public account."

10. Every Receiver of Revenue at the time of paying any money into the said account in such bank as aforesaid, will obtain from the banker an "accountable receipt," in duplicate, for the same in the form hereunto annexed, marked E, and will forthwith after such payment deliver or send by the post to the Treasurer one of the said duplicate "accountable receipts," together with the statements delivered to him by the Collectors of Imposts with respect to the moneys so paid into such bank, and also a summary of the said last-mentioned statements, and of the statement hereinbefore directed to be delivered or sent by himself; such summary is to be in the form hereunto annexed, marked F.

11. Every such Paymaster as aforesaid is to pay such accounts only as may be from time to time transmitted to him for that purpose by the Treasurer; and at the time of paying such accounts, and not in any case before, such Paymaster will obtain from the persons to whom the same are payable receipts under their hands for the amounts so paid, and every such receipt is to be in words at full length, and be written on the account to which it may relate.

12. When any payment is made to a person unable to write, the mark of such person is to be affixed to the account, and be vouched by a witness as having been made in his presence; and when any payment is made through an agent, such agent must produce a written order in one or other of the forms hereunto annexed, marked G and H respectively; and every receipt must be vouched by a respectable and disinterested witness.

13. Every such Paymaster as aforesaid will forthwith, after the payment of such accounts as aforesaid, deliver or send by the post to the Treasurer the said accounts and receipts, and also a summary of the said accounts, in the form hereunto annexed, marked I; and the said summary must have thereon a declaration duly made and subscribed by such Paymaster, as shown in the said form I of summary.

14. No sum will be allowed, except on special and sufficient grounds, in the account of any Paymaster, without a written voucher of the actual payment of the

Duties of Receiv-
ers.—C. 9 and 10.

Duties of Pay-
masters.—C. 11 to
14, inclusive.

sum so claimed to be allowed, notwithstanding any allegation of papers having been lost or destroyed; and in case any such Paymaster is compelled to transmit to the Treasury any voucher defective in any of its essential particulars, such defective voucher must be accompanied with a full statement of the grounds on which such voucher is claimed to be allowed, in order that such proper steps may be taken as are prescribed by the law.

15. Every person entrusted with the receipt or the expenditure of public money will be required to keep a cash-book in the form hereunto annexed, marked K, in which he will enter on the one side the sums received, and on the other the amounts paid. He must also keep a register of all accounts relating either to the revenue or the expenditure transmitted by him to the Treasurer or the Commissioners of Audit, and such other books as the Treasurer may from time to time direct.

What books are to be kept by persons who receive or disburse public money.—C. 15.

16. The financial year will be from the 1st January to the 31st December, and the printed estimates of revenue and expenditure passed by the Legislature in each year are in all cases to form the basis of the system of accounts. Care is to be taken that the heads of revenue and expenditure are the same in the accounts as in the estimates, and that no account includes services forming a charge upon separate years, or upon more than one department.

How accounts are to be prepared and transmitted to Treasury.—C. 16 to 25.

17. All accounts intended to be paid through the Treasury are, in the first instance, to be transmitted to the Treasurer at Melbourne, and must be certified by the chief officer of the department for which the expense was incurred; and if any account is intended for payment otherwise than by the Paymaster, Melbourne, the name of the pay office at which the account is to be paid must be stated on the face of the account. Accounts thus passed for payment can only be paid at the pay office to which they have been transmitted.

18. Accounts and vouchers for payments made out of "Advances," as herein-after mentioned, are to be transmitted to the Treasurer by the officers who received the advances as soon as possible after the accounts have been completed.

19. Accounts and vouchers for payments made out of advances obtained under "Abstract of Expenses," as hereinafter mentioned, are in like manner to be forwarded to the Treasurer immediately after they shall have been completed; and no subsequent advance under "Abstract of Expenses" will be made by the Treasurer until such accounts and vouchers shall have been rendered in a complete state to his office, unless sufficient and proper grounds for a deviation from this course are furnished to and accepted by the Treasurer.

20. All bills of particulars are to be made out in the prescribed forms (L 1 to 5 inclusive), and must clearly set forth, in the case of services performed, the exact dates or periods of service, the rates of remuneration, and the name of the place where the services were rendered; and in case of articles purchased, the exact dates or periods of supply, the places of delivery, the quantities and prices of the several articles, and the purpose for which required; the accounts must also be invariably signed opposite the total amount by the claimant, and in no case by an agent on his behalf, unless such agent is acting under a power of attorney, in which case the account should be prepared in the agent's name as such attorney, and be accompanied, in the case of the first claim, with a copy of the power of attorney, certified by the Registrar-General. Every bill of particulars must show upon the face of it the number of the vote and sub-division, and the item to which it is chargeable, also the number of the authority under which the expenditure was incurred, and if under contract, the date and "Gazette" number of such contract; and also, if upon requisition to the Government Storekeeper, the chief officer of the Department of Works, or other officer, the date and number of such requisition. Accounts are to be certified by the officer incurring the expenditure (the amount to be stated in words at length), or in the case of public works and buildings, by the officer superintending such works, and by the head of the Department concerned.

21. In stating periods, the first and last day specified are both to be considered as inclusive. The amount of wages or allowances, fixed according to a daily rate, is invariably to be calculated on the exact number of days contained in the period for which they are charged, except in cases where the allowance given is for working days only.

22. The proportion of an annual salary for a broken period is to be computed by multiplying the amount of the monthly proportion of each salary by the number of days in the broken period, and dividing by the number of days in the month.

23. Accounts transmitted for payment in an incomplete state, or vitiated in any essential particular by erasure, interlineation, or otherwise, will be returned to the

Department from which they were received, in order that they may be completed or made out anew, as the case may require.

24. Duplicate accounts are in no case certified unless the word "duplicate" be at the same time written in red ink across the face thereof, nor until it has been satisfactorily ascertained that the original accounts previously certified have not been paid, and that they cannot be obtained. Officers certifying duplicate accounts are not under any circumstances to pay them out of an advance, but to forward them to the Treasury, with a special report of the circumstances.

25. Each head of Department is enjoined to afford every possible facility to persons having claims against his Department, to enable them to prepare their accounts in such a manner as to secure the prompt payment of their claims; and in cases where the claimant is ignorant of the proper forms to be observed, to prepare the requisite accounts.

26. Advances for authorized expenditure may be made to heads of Departments at the discretion of the Treasurer. As a general rule, only one advance is to be made to any one head of Department during the same year, and the amount of such advance is not, except in special cases to be decided by the Treasurer, to exceed in amount the average monthly expenditure to be defrayed by its means. In order, however, that the head of Department may keep himself supplied with funds to meet expenditure during the several months of the year, such head of Department will, as often as may be necessary, forward to the Treasurer accounts duly vouching for the sums paid out of such advance; and the amount of such accounts, instead of being placed by the Treasurer to the credit of the advance account, will be repaid to such head of Department, and so on from time to time, if necessary, until the 15th of December, when, or not later than the 25th of the same month, final vouchers, duly completed to account for the expenditure of the advance, and the balance (if any) remaining unexpended of such advance, must be transmitted to the Treasurer, in order that such accounts and balance may then be placed to the credit of the advance account, and be duly brought into the Treasurer's books before the end of the year. Forms on which to apply for advances or for reimbursements will be supplied at the Treasury.

27. Applications for advances to pay salaries and fixed money allowances must be made in the form "Abstract of Expenses" annexed, marked M, and must be lodged with the Treasurer on or soon after the last day of each month, showing the salaries and fixed money allowances due for such month, and an advance of money equal to the total amount of the application so lodged in each case will be made to the head of the Department concerned, for the purpose of enabling him to pay such salaries and fixed allowances; and every such head of Department will forthwith, after the payment of such salaries and fixed allowances, transmit to the Treasurer the necessary vouchers, duly completed in the manner before mentioned. The abstract for the month of December must be brought forward in sufficient time to admit of the salaries being paid on the 31st day of the month.

28. It is to be distinctly understood that payments made out of "Advances" are in every case, without exception, to be made in strict accordance with the regulations herein laid down, the same as payments made at the Treasury.

29. To enable the Treasurer to calculate the amount of moneys likely to become due and payable in each month, and to provide funds under the warrant of the Governor accordingly, each head of Department will, when required by the Treasurer to do so, prepare and transmit to the proper ministerial officer, not later than the 15th of each month, a statement in the form hereunto annexed, marked N 1, setting forth the amounts of moneys likely to become due and payable for the several services and establishments under his control during the ensuing month, and such statement, when duly approved by the proper ministerial officer, will be scheduled by his directions in the form annexed, marked No. 2, and, together with such schedule, be transmitted to the Treasurer, who will submit the same for the Governor's approval. The amounts to be set forth in such statements need not necessarily have any direct connection with any particular authority or authorities issued, or to be issued, as hereinafter described; such statements will be required only for the information of the Treasurer, and will comprise so much of the authorities issued, or to be issued, as aforesaid, as may be likely to be acted upon during the month to which such statements may relate.

30. Authorities for incurring expenditure, and for cancelling such authorities, will be classed as follows, viz.:—

1st. "Annual Authorities."

Advances how to be obtained and accounted for.—C. 26 to 28.

Requisition for funds to meet monthly payments.

Authority how obtained —C. 30 to 42.

2nd. "Quarterly General Authorities."

3rd. "Special Authorities."

4th. "Cancellation Authorities."

And no expenditure is to be incurred by any officer of the public service except under the authority of the Governor.

31. "Annual Authorities," according to the annexed form, marked O, will be granted by the Governor, and will be communicated through the proper ministerial officer to heads of Departments, as soon as practicable, after the passing of the Appropriation Act, for all salaries and money allowances fixed by law. A new appointment in lieu of one previously authorized will not require the issue of a new authority for the payment of the salary in any case in which the vote for such salary may have been previously placed under authority; but the particulars of such new appointment must, nevertheless, be furnished to the Treasurer and to the Commissioners of Audit.

32. For expenditure under either of the following heads of service, "Quarterly General Authorities" will be issued in the form annexed, marked P 1, in the following manner:—

To the Government Storekeeper, for expenditure under the following "Items," viz. (unless specially excepted):—Provisions, Forage, Fuel, Light and Water, Bedding and Clothing, Type and Printers' Furniture, Materials for repairs to Electric Telegraph lines, Stationery, Stores, Transport, and for any other service the expenditure for which may be placed under his superintendence.

To Heads of Departments concerned, for—

Occasional Clerical Assistance;

Medical and Funeral Expenses;

Gratuities to Officers of Immigrant Vessels;

Gratuities to Masters of Vessels for carrying Mails;

Coroners' and Surgeons' Fees, and Contingent Expenses;

Printing and Advertising;

Travelling Expenses;

Wages to Day Labourers;

Erection and repair of Works, including Furniture, if the estimated cost does not exceed 100% ; "

Farriery and Shoeing ;

Commission on Sales of Land ;

Newspapers ;

Incidental Expenses ;

Miscellaneous Expenses of unimportant Character and Amount.

33. For the sake of convenience the Government Storekeeper will make his application (in Form P 2) to, and receive his authorities from, the Treasurer, but he will not incur any expense under such authorities for Departments not under the Treasurer's control, except upon the requisition or approval of the proper ministerial officer. Other heads of Departments must apply (in Form P 2) for their authorities to the ministerial officers respectively having control of their several Departments.

34. Stores and transport, when required for any Department (except Military and Naval), are to be obtained, upon approved requisition to the Government Storekeeper, in accordance with the Store and Transport Regulations for the time being. As the expenditure of the items voted for these services will be under the superintendence of the Government Storekeeper, authorities for such expenditure are not to be issued to any other head of Department without the concurrence of the Treasurer. It is to be distinctly understood that no head of Department is to apply for, or act upon, any authority other than those which may relate to expenditure to be incurred under his own superintendence.

35. Before any expenditure which does not class under the head "Salaries and Fixed Money Allowances," or which is not regulated by "Quarterly General Authority," is incurred by any head of Department, the Governor's "Special Authority" for such expenditure must be obtained by application being made for it through the proper officer, and every such application must set forth the nature and the amount of such expenditure as well also the grounds on which it may be considered to be necessary and proper. "Contracts," for a specific amount duly entered into by the proper officers and published in the "Government Gazette" as hereinafter mentioned, are to be considered "special authorities."

36. If the exigencies of the public service render it advisable to alter in any

case the proportions assigned to the particular items comprised under any one subdivision in the annual supplies, a "Transfer Authority," in the form annexed, marked Q, will be granted, upon application of the head of Department, through the proper ministerial officer, to transfer out of the surplus arising on any item or items a sufficient amount to meet the deficiency on any other item or items under the same subdivision (except salaries fixed by law), unless such subdivision shall be expressly stated to be inalterable. Transfer authority will not convey any authority to expend the amount transferred by it.

37. "Cancellation Authorities" in the form annexed, marked R, will be granted when required for the purpose of cancelling authorities or portions of authorities which may not be required, or which may be required to be renewed in some other form, and for correcting authorities which may have issued in excess of the proper amount; and no authority once issued is to be limited in any way, except by means of a "Cancellation Authority" granted for the purpose.

38. "Cancellation Authorities" will be chiefly necessary in the following cases :—

1st. Should any portion of an annual authority not be required for the salary or allowance of the particular person in whose favour it had been granted, and no fresh appointment is made to fill the place of such person, such portion of the authority must be cancelled.

2nd. When a contract is taken for a fixed amount and the expenditure contemplated by such contract has been previously authorised, the authority for such expenditure will lapse and must be cancelled, and the contract in such case must be dealt with as a new authority. In cases where a contract for a fixed amount is taken in lieu of a previous contract, a cancellation authority must issue to enable such previous contract to be discharged from the accounts, and the "Gazette" notice of such new contract must refer by number to such cancellation authority.

3rd. Should any amount, which it may be necessary to transfer from one item to another, have been previously placed under authority, such authority, or so much of it as may be necessary, must be cancelled.

4th. All authorities which may not be expended on the 31st December of the year following that on account of which they are issued, will finally lapse.

39. Should the authority granted in any case be found insufficient, a further authority to supply the deficiency may be issued, notwithstanding that the usual period for issuing authorities may not have arrived; but the Government storekeeper and other heads of Department should endeavour to avoid any necessity for supplementary authorities, by applying for a sufficient amount in the first instance. No expenditure of any kind whatsoever is to be incurred without, or in excess of, authority; and no authority for any expenditure is to be applied for, for any service, in excess of the amount voted for such service.

40. As no moneys voted by the Legislature for any year may be issued or applied in any future year unless a contract or engagement shall be entered into during such year, by which a liability to issue or apply the same according to the vote of the Legislature is incurred (in which case such sums as may be necessary for the purpose of satisfying such contract or engagement will be set apart and retained in the Treasury), heads of Department are required to apply before the 31st December in each year for authority to incur any expenditure on account of the votes of that year. All sums of money set apart or retained in the Treasury for the purpose of satisfying such contracts and engagements, which shall not be expended during the following year will lapse, and must not be issued or applied after 31st December of that year.

41. Abstracts of all authorities, in the form annexed, marked S 1, 2, 3, 4, 5, will be transmitted by the ministerial officers to the Treasurer and also (excepting those for transfers) to the Commissioners of Audit for their information and guidance. These abstracts are to be accompanied by schedules of particulars, showing in the case of annual authorities, names, nature of appointment, rates of pay, &c.; in the case of quarterly and special authorities, every necessary particular not contained in the abstract itself; and in the case of a new appointment, with a schedule, showing the approval of the Governor in Council.

42. In the event of any amount, which had been previously disbursed from the Treasury, being returned, the statement or voucher which must accompany the return of such amount to the Treasury must state upon the face of it the number and year of the vote to which such amount had been previously charged, and the number of the authority under which it had been disbursed.

43. Heads of Departments are enjoined to adhere strictly to the rules herein laid down, respecting authorities, inasmuch as the efficient working of the system of account to be brought into operation under these regulations will, in great measure, depend upon such rules being duly observed. Contracts.—C. 46.

44. As far as practicable tenders are to be invited, and contracts duly entered into by the officer upon whom the duty may properly devolve, for the supply during the financial year of all articles in constant requirement for the public service, such as rations of provisions and forage, fuel, light, and water, medical comforts, stationery, and stores.

45. In like manner tenders are to be invited, and a contract taken for the construction or repair of any public work or building, the probable expenditure for which is estimated to exceed 100l.; and also for the supply of furniture and stores, &c., involving an expenditure exceeding 100l., except in cases where the existence of a contract for the supply of such articles as required, during the financial year, may render such a course unnecessary or unadvisable.

46. Abstracts, duly numbered in arithmetical progression, of all contracts entered into by or on behalf of the Government of Victoria, are to be published for general information in the "Government Gazette," and duly numbered for convenient reference, and printed copies of such abstracts as published, must be duly and regularly transmitted by the Government printer to the Treasurer and to the Commissioners of Audit.

47. Special instructions, when necessary, will be given, in a separate form, to the Government Storekeeper and to all other officers who may be entrusted with special duties, in respect of which the regulations herein contained may be insufficient or inapplicable. Special instructions.—C. 47.

48. Prompt and careful attention must be given by all officers and others having the charge or control of public moneys or accounts, to the instructions they may receive from the Treasurer, the Commissioners of Audit, or other competent authority, and any information which such officers and others may be called upon in like manner to give, must be rendered as fully and accurately as possible, and without any avoidable delay. Prompt attention to instructions.—C. 48.

49. All persons entrusted with the receipt or expenditure of public money, or who may hold any appointment under the Act first above-mentioned, will be required to provide security for such sum and in such manner and form, as the Governor in Council may from time to time direct for the due performance of their several offices, and for the due accounting for and payment of all moneys which may come to their possession or control by reason or virtue of their respective office, service, or employment. Security to be given.—C. 49.

50. Persons holding appointments under the Act first above mentioned, who fail in the due performance of their several duties, render themselves liable to the penalties prescribed by the said Act. Heads of Departments and others who may neglect to observe the rules herein laid down will render themselves liable to be surcharged by the Treasurer in the full amount of all moneys due or becoming due to them at the Treasury; and in extreme cases the Treasurer, with the approval of the Governor in Council, will surcharge all moneys due or becoming due to the Department in which any such neglect may have taken place. Penalties.—C.

By his Excellency's command,
(Signed) GEO. HARKER.

Treasury, Melbourne, May 1, 1859.

Inclosure 5 in No. 2.

FORM O.

Annual Authority for Salaries and Money Allowances.

Sir, Melbourne, 18 .
I AM directed by the Governor to transmit to you the accompanying Schedule of your Establishment for the ensuing year, and to convey to you the authority of his Excellency to receive or cause to be received by an officer of your Department, from the Treasury, and in like manner to pay to the respective claimants, the salaries and allowances therein enumerated.

I have, &c.

No. 3.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received April 12, 1866.)

(No. 16.)

(Answered, No. 49, April 26, 1866, page 51.)

Sir,

Government House, Melbourne, February 20, 1866.

HAVING perceived in the Address introduced into the Legislative Council as a reply to my Speech at the opening of the Session, an allusion to the export duty on gold, which I think forbodes another collision between the two Houses, I sent to the Treasurer and Commissioner of Trade and Customs respectively, the minutes of which I have the honour to inclose copies herewith.

2. The new House of Assembly is at present divided according to popular opinion, based upon election pledges and declarations, into fifty-eight supporters and twenty opponents of the Ministers.

One of the Ministers however, Mr. Michie, the Minister of Justice, has not been again returned to the Assembly. He stood for the district which he represented in the last Parliament—that of St. Kilda, an important suburb of Melbourne—where the interest of the commercial portion of the community of that city proved too strong for him.

3. I have frequently expressed to you my conviction that an appeal to the constituencies would not tend to the solution of the difficulty, which had arisen between the two Houses, or justify me in taking steps which might lead to the removal of the present Ministry from power.

4. The party who have attacked me with great violence, both here and in England, for not taking that course, ought now to be satisfied; but I am much afraid that relying as they do upon their means of securing the advocacy of leading newspapers in London, through their communications with persons of influence in commercial and banking circles at home, they are not likely to desist from the course they have hitherto pursued.

5. There can be no mistake as to the object they have had in view. It will be placed beyond doubt by reference to the inclosed extracts of letters addressed to the editor of the "London Times," by the Chairman and Committee of the Victorian Free Trade League, in which, after making glaring *ex parte* statements of the facts of the case, those persons ascribe to me the blame for the dead-lock and all the proceedings which have arisen out of it, because I had not dismissed my Ministers or up to that time dissolved the Assembly.

6. There can be no doubt that a different result of the elections was expected by the League; and I am afraid that the exasperation arising from defeat is working with that association and its allies, even more potently than the anger occasioned by my inability to take in the first instance a view of my duty which would, in its ultimate effects, conduce to the promotion of their pecuniary and personal interest.

7. That duty was to take care so to exercise the powers of the Crown, that according to the well-known axiom of Colonial Responsible Government first laid down I believe by Earl Russell, "in all matters of domestic policy the Colony should be governed according to the well-understood views and wishes of its inhabitants as expressed by their representatives in the Legislature." I have held this duty in view hitherto, and I do not intend to depart from it, in order to propitiate any class or section of the community, however wealthy or influential, at home.

I have, &c.

(Signed)

C. H. DARLING.

Inclosure 1 in No. 3.

Minute for the Honourable the Treasurer.

I HAVE already communicated to the Honourable the Treasurer, in his capacity as a member of the Cabinet, the Secretary of State's despatch No. 107* of the 27th November, 1865; I have now to acquaint him, as the Head of the Treasury Department, that the Secretary of State has by that despatch directed that the Governor shall not sanction payments on account of salaries, or for other purposes, which are not strictly authorized by law.

(Signed)

C. H. DARLING.

Government Offices, February 17, 1866.

Inclosure 2 in No. 3.

Minute for the Honourable the Commissioner of Trade and Customs.

I HAVE already communicated to the Honourable the Commissioner of Trade and Customs, in his capacity as a member of the Cabinet, the Secretary of State's despatch of the 27th November, 1865. I have now to acquaint him, as the responsible Minister charged with the conduct and management of the Customs Department, that the Secretary of State has by that despatch directed that the concurrence or sanction of the Governor shall not be given to the levy in future of any duties which are not authorized by law.

(Signed) C. H. DARLING.

Government Offices, February 17, 1866.

Inclosure 3 in No. 3.

Extract from a Letter published in the "Times" newspaper of November 17, 1865, and signed by James Lorimer, Chairman, and other Gentlemen, Members of Committee of the Free Trade and Financial Reform League of Victoria, dated Melbourne, September 25, 1865.

THESE illegal proceedings his Excellency Sir Charles Darling has countenanced, and to these revolutionary acts he has lent the sanction of his name. Indeed, nearly the whole of our present trouble has been brought upon us by his Excellency, who might at any time have thrown on the opponents of the Ministry the responsibility of forming a new Administration, and of appealing to the country for its views on the questions at issue. The shortness of the time since the general election could not be any valid objection to this course, for the present dispute was never contemplated till within the last few months.

Inclosure 4 in No. 3.

Extract from a Letter signed by James Lorimer, Chairman of the Free Trade League of Victoria, and by Edward Langton, Secretary, dated Melbourne, Victoria, October 26, and published in the "Times" newspaper of December 19, 1865.

THE general conviction here among the propertied, professional, and educated classes is that relief can only come to us from Her Majesty. His Excellency is responsible for a dead-lock, and for all the illegalities which have arisen out of it. He could at any time have set matters straight by dismissing his advisers or by dissolving the Assembly. The loyal and order-loving portion of the community now look to the Queen, and confidently hope that Her Majesty will speedily provide us with a Governor who will regard it as his first duty to govern according to law.

No. 4.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received April 12, 1866.)

(Separate.)

Sir, *Government House, Melbourne, February 21, 1866.*

I BEG permission to correct an erroneous statement in the 3rd paragraph of my despatch No. 152* of the 23rd December last. Mr. Henry Miller, of the Legislative Council, did not acquiesce in the Address of the Legislative Council to Her Majesty complaining of my conduct, as stated in that paragraph.

I have, &c.

(Signed) C. H. DARLING.

* Vide Papers presented March 1866, page 77.

No. 5.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received April 12, 1866:)

(No. 18.)

(Answered, No. 42, April 20, 1866, page 51.)

Sir,

Government House, Melbourne, February 22, 1866.

I HAVE the honour to acquaint you that the Honourable Henry Miller, a member of the Legislative and Executive Councils, has become a member of the present Ministry, without Departmental office, and represents the Government in the Legislative Council.

I have, &c.

(Signed) C. H. DARLING.

No. 6.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received April 12, 1866.)

(No. 19.)

(Answered, No. 50, April 26, 1866, page 52.)

Sir,

Government House, Melbourne, February 22, 1866.

REFERRING to the twelfth paragraph of my despatch No. 127,* of the 26th October last, in which I transmitted a copy of the opinion of the Crown Law Officers to the effect that the Civil Service Act (No. 160), and the 45th section of the Constitution Act, were sufficient legal appropriations in respect to all persons in the service of Government included therein; and that, therefore, in such cases the sanction of an Appropriation Act was not required. I have now the honour to state that the Commissioners of Audit have signified their acquiescence in this view.

2. I beg to inclose a copy of my minute to the Treasurer, directing a communication on the subject to be made to the Audit Commissioners, a copy of the reply of the Commissioners, and of a further minute from me to the Treasurer.

3. After the receipt by the Treasurer of the last-mentioned minute, that officer had personal communication with the Audit Commissioners, when it appeared, from the statement of one of those gentlemen, that they had never questioned the sufficiency of these enactments as appropriations, but as the services for which they provided had been always included in the Appropriation Act, they did not consider it incumbent upon them to suggest an alteration in the practice. It was pointed out also, on the part of the Commissioners, that as the Government, relying much in the same way, upon the sufficiency of the Appropriation Act, had omitted to fulfil the requirements of the seventh section of the Civil Service Act, by transmitting the message therein required to be sent to the Legislative Assembly respecting the reductions, increases, and limits of salaries for the year 1865, the Commissioners would have felt themselves precluded from considering the Act as a Special Appropriation Act in regard to that year.

4. This omission has been remedied as regards the present year, and although the decision of the Commissioners of Audit may, perhaps, occasion discussion in both Houses, I do not see how it is possible for any opposition to prevail against the united views of those officers, of the legal advisers of the Crown, and of the Governor.

5. Unfortunately, however, the maintenance of the Police Force, 175,000*l.* per annum, the allowances to the troops about 8,000*l.* at present, and the departmental contingencies, including provisions for prisoners, &c., about 587,000*l.*, with many other important and necessary services, will remain subject to the chance suspension of payments for an indefinite period, in the event of the occurrence of a disagreement between the two Houses, similar to that which prevailed throughout the greater portion of last year, and may, indeed, I fear, from present indications be considered as still in existence.

I have, &c.

(Signed) C. H. DARLING.

* Vide Papers presented March 1866, page 33.

Inclosure 1 in No. 6.

Minute.

I WISH to draw the attention of the Commissioners of Audit to those provisions of the Constitution Act which relate to the Appropriation of the Consolidated Revenue.

Relying upon the certificate of the Commissioners that money was legally available for payments under special appropriations, I have hitherto given my warrants for the issue of Her Majesty's Revenue (Constitution Act, 58th clause) in contravention, as it appears to me, of the provisions of the 44th, 45th, and 55th clauses of the Act.

Warrants authorising various payments under appropriations by Acts of the Legislature, to specific purposes, have been made before, and not "after and subject to" the payments directed by the 45th clause, which makes the costs, charges, and expenses of collecting, recovering, and receiving the revenue, the first of the "charges" to which the revenue is permanently appropriated by the 44th clause.

I have, therefore, to request that in future warrants for payments under special appropriations may be accompanied by a certificate from the Commissioners of Audit to the effect that, in conformity with the provisions of the 55th clause of the Constitution Act, all appropriations made by the 44th and following sections of the Act have been duly carried into effect, and that the contemplated payment under such specific appropriation will be "after and subject to" the payments directed by these sections.

I have abstained from calling the attention of the Commissioners to this point before, although in possession of an opinion of the Crown Law Officers confirmatory of my views in respect to it, from an unwillingness to complicate the financial question with which the Government has had to contend during the latter half of the year 1865; but I must now remark also that, although by the terms of the Audit Act, the Governor may be precluded from signing warrants for the issue of money from the "public account" at the Melbourne banks, unless the Commissioners of Audit shall have certified that the sum required is "legally available," yet the Governor is not bound, in the exercise of the power conferred upon him by the 58th clause of the Constitution Act, to sign such warrants in cases where he may come to the conclusion that, notwithstanding the certificate of the Commissioners of Audit, the money is not "legally available," and this view involves the necessity of the Governor deciding what legal appropriations there may be which have priority over those in respect to which the Commissioners may certify that the revenue is legally available.

Thus, I conceive that the payments under the Civil Service Act have priority over payments directed by any subsequent Act, unless there be express provision to the contrary in such subsequent Act.

I am of opinion, moreover, that the Civil Service Act, one of the objects of which is "to regulate the salaries of the officers of the Civil Service," is, by its 6th, 7th, and 50th clauses, to all intents and purposes an Appropriation Act, more especially as the 7th section provides, in effect, that the reduction, increase, and limits of such salaries shall be annually fixed by the Legislative Assembly, a provision which takes the whole question out of the competency of the Legislative Council to interfere with at all, and renders it absurd to suppose that for the enforcement of the rights which the Act confers, it can be necessary to have an Annual Appropriation Act; since, as it is within the power of that body to reject the Appropriation Act, it would be in their power also to nullify the claims of the Civil servants, and the decision made by the Assembly in pursuance of a power to that effect conferred on them by statute.

Before I come to any decision as to my duty to respect the priority of the Civil Service Act as an Appropriation Act, I shall be glad, however, to be favoured with any observations in reference to the view I have expressed, which the Audit Commissioners may be disposed to offer. On this point also I am in possession of the views of the Crown Law Officers, and I shall be happy to communicate them in both cases to the Commissioners if they desire to be made acquainted with them.

(Signed) C. H. DARLING.

January 15, 1866.

Inclosure 2 in No. 6.

The Commissioners of Audit in reply to his Excellency's Minute of January 15, 1866.

Minute.

WE have the honour to acknowledge the receipt at the hands of the Honourable the Treasurer of the Governor's Minute of the 15th instant, in which his Excellency draws our attention to the provisions of the Constitution Act relating to the Appropriation of the Consolidated Revenue; and more particularly to the following matters:—

1st. That relying upon our certificate that money was legally available for payments under special appropriations, his Excellency had given his warrants for the issue of Her Majesty's Revenue in contravention, as it appeared to him, of the 44th, 45th, and 55th clauses of the Constitution Act.

2nd. Requesting that in future warrants for payments under special appropriations may be accompanied with our certificate to the effect;

(1.) That, in conformity with the provisions of the 55th section of the Constitution Act, all appropriations made by the 44th and following sections of the Act have been duly carried into effect, and

(2.) That the contemplated payments under such special appropriations will be after and subject to the payments directed by those sections.

3rd. That his Excellency is not bound in the exercise of the power conferred upon him by the 58th section of the Constitution Act, to sign warrants in cases where he may conclude, notwithstanding our certificate, that the money is not legally available; and that, consequently, it devolves upon his Excellency to decide what legal appropriations there may be which have priority over those to which such certificate may relate.

4th. That in accordance with those views his Excellency is of opinion that payments under the Civil Service Act have priority over those directed by any subsequent Act, unless there be express provision to the contrary; and that the Civil Service Act, being in itself to all intents and purposes an Appropriation Act, takes the whole question respecting the salaries of the officers of the Civil Service out of the competency of the Legislative Council to interfere with, thus rendering it unnecessary, in regard to such services, to have an Annual Appropriation Act.

5th. Requesting us to inform his Excellency of our views upon the subject.

His Excellency's communication has received our deliberate and respectful attention in regard to every matter therein touched upon; and we rely upon his Excellency's courtesy to permit us to lay our views before him in full.

In regard to the first point mentioned, we beg to assure his Excellency that in certifying moneys to be "legally available" we have, during the whole course of our service as Commissioners of Audit, endeavoured most conscientiously to carry out the entire meaning and intent of the law, and to act up to the full spirit of the oath we subscribed to on first taking office. More especially have we been careful never to certify as legally available moneys which were not legally available. His Excellency will perhaps permit us to remind him that now for the first time have the views propounded in his Excellency's Minute been made known to us. Had we been aware that such views were entertained, or that our certificates were being relied upon, as covering not only the fact of legal appropriation, but that also of priority of claim, and had we nevertheless given those certificates without ascertaining the facts, or acquainting his Excellency of the limited character of the certificate, we should have been justly chargeable, even in our own view, with misleading all for whose information the certificates would have been given. Calling to our recollection, however, all the circumstances of the case, we cannot—and we say this with great respect—we cannot charge ourselves with having either wilfully or negligently evaded our strict duty, or of having been the means of misleading any who received and relied upon our certificates as establishing every necessary fact relating to the subject of such certificates.

Moreover, we must mention that the matter has not been lost sight of by us. We have not, indeed, specifically raised the point as to whether, with revenue sufficient to meet all claims, it was necessary to postpone all others so as to give priority to those for the collection and receipt of revenue, but we have done so, and have been aided by the advice of the Honourable the Attorney-General, upon a precisely similar matter; and in our subsequent action thereon have considered

ourselves bound to be guided by the legal opinion given, the more especially as we were unable to present sufficiently cogent reasons for disagreeing with it. We beg, therefore, to assure his Excellency that our certificates as to moneys being legally available have in every case been given advisedly.

There is only one other remark which with permission we would desire to lay before his Excellency, viz.: that it is not from this office, nor upon our advice, that the warrant, or, more properly speaking, the instrument upon which moneys are made available (not payable) from the "Public Account," is submitted for his Excellency's signature, but by the Honourable the Treasurer, by whom also the instrument is prepared. The Act directs us after signing the instrument to return it to the Treasurer, who thereupon, not necessarily, but advisedly, is to submit the same to his Excellency.

Giving our attention now to his Excellency's request that in future we should certify that the provisions of the 44th and following sections of the Constitution Act had been duly carried into effect, we beg to state that we shall feel bound to comply with that request to the utmost extent within our power. For reasons, however, which will be explained in the course of this Minute, the certificate it will be incumbent upon us to give will be to the effect that so far as it is considered imperative that all costs and charges for receipt and collection shall have been actually paid before the consolidated revenue can be legally available for other services and purposes, the provisions referred to have not been carried into effect.

As we are conscious that such a certificate would not be in furtherance of his Excellency's views, even if it did not cause embarrassment to his Excellency in his relations with his Ministerial advisers, as well as in regard to claims upon the Treasurer, which, though not connected with the receipt or collection of revenue, are equally legal and imperative, we will carefully, and as far as possible briefly explain the facts and circumstances which appear to make such a course on our part unavoidable. His Excellency has courteously favoured us with a perusal of an opinion obtained from the Legal Advisers of the Crown upon the subject under notice, and no point could, we think, be more clearly argued than is that of the prior claim of the costs of collecting the revenue. Even were it otherwise, it would be indecorous in us to dispute the matter or to advance our views in opposition to the legal opinion of those who are the proper Legal Advisers of the Crown on all points involving an interpretation of the law. We feel bound to take the law upon this subject as it has been interpreted by the Law Officers; and the question becomes narrowed to the simple inquiry at what stage and under what circumstances would it be right to allow such priority to interfere with the practice hitherto observed of meeting all just and legal claims upon the Treasury in the order in which they become payable, and to this point we will now address our remarks.

His Excellency will be fully aware of the peculiar character, as well as of the precise object of the "instrument," which, when his Excellency's signature is attached to it, becomes a warrant authorising the Treasurer to draw, if necessary and proper, upon the public account in a certain manner and within the limits of the warrant. Formerly in the warrant of the Governor the particular accounts to be paid were specified, and as the accounts at that time were audited before payment, the certificate of the Auditor-General was of the widest significance. It left to the Treasurer no discretionary power, and no responsibility in regard to the particular accounts mentioned in the warrant. The instrument introduced by the Audit Act was no doubt devised in view of the Treasury being made a Ministerial Office, and is consequently a document totally different both in its character and object. As to the first, it is nothing more than an estimate of the amount that may probably be required during a certain limited period, and the aggregate of these estimates, after deducting the payments made, is generally in excess of the funds actually in the Treasury at the time. It does not authorize the payment of any particular account; in fact, it is not known, not even to the Treasurer with certainty, what accounts will be paid out of it, for at the time of its preparation by the Treasurer few, if any, of them have been presented. As to its object, it has but one, viz., to place the Treasurer in a position in which he may, with due observance of all matters prescribed by law, legally and effectually approach the public account, and the certificate of the auditors signifies, not as formerly, that certain specified payments may, in the widest meaning of the term, be legally made from the revenue, but that should such payments be demanded of the Treasurer, the Legislature had appropriated funds to meet them to, at least, the extent estimated

as communicated in the said instrument. His Excellency will, perhaps, allow us to draw his attention to the wording of the certificate to which we attach our signature; it is not that the money is actually, but that it is legally available, that is to say, "that Parliament has sanctioned the expenditure of public money for the particular purposes, and has provided funds" (or the means of obtaining them, we presume) "to meet that expenditure."

We trust that we have made it clear to his Excellency that the time of our certifying the instrument is not that at which it becomes necessary to raise a question as to the order of priority of the several claims upon the Treasury, all of which may be just and legal in every other respect; that, therefore, we stand justified if we have certified money to be legally available without reference to priority of certain claims, and that it would be beyond our power, as well as without our province, to give at that stage such a certificate as would further the object which his Excellency has in view.

From the above question another arises, viz., whether at the time of paying any particular account it should be first ascertained that all claims having priority had been liquidated. We have before pointed out that whilst under a former system the Governor's warrant, given after the accounts had been audited, left the Treasurer no discretionary power or responsibility in respect of the accounts specified in such warrant, a different state of things exists under the system brought into operation by the Audit Act. Under the latter system the Auditors incur no responsibility whatever in respect of any particular account paid or payable at the Treasury until after payment, they give the Treasurer a certificate of discharge as directed by the 34th section of the Audit Act. The whole responsibility of carrying the Governor's warrant into effect, in a manner consistent with all the requirements of the law, devolves upon the Treasury Department; and, consequently, if the particular question now under notice be answered in the affirmative, it would appear to be incumbent upon the head of that Department, before sending to us the order mentioned in section 26 of the Audit Act, to satisfy himself that no liability having priority of payment had been overlooked. The adoption of that course would devolve upon us the duty, before giving the Treasurer a discharge, of ascertaining whether it had been fully carried out, and such certificate would then convey in its meaning an assurance of the fact that the accounts were correct in this as in other particulars, and this would probably meet his Excellency's requirements as to our certifying "that the contemplated payments will be after and subject to the payments directed by these sections."

Although we have made these remarks, and endeavoured to show what the effect would be so far, if such a duty were devolved upon the Honourable the Treasurer, we feel that our duty to his Excellency renders it incumbent upon us to mention what would, in our view, be the probable further effects of the adoption of the course referred to. Before doing so, however, we would respectfully request his Excellency to consider two points relating to this matter, which, with great deference, we would submit to his notice. The first is, whether the words of the 45th section of the Constitution Act, as quoted in the margin hereof,* are applicable either primarily or otherwise to the actual payment of the accounts, and not rather to the Legislature in its exercise of the power conferred upon it to appropriate the Consolidated Revenue to special services and purposes; whether, in other words, the meaning of that section is anything more than that the Legislature shall not appropriate the revenue to special purposes to an extent inconsistent with its ability to bear the costs and charges of its collection: and the second is, whether the whole meaning and intent of that section of the Constitution Act are not fully satisfied so long as the Government of Victoria satisfies every claim as it becomes due.

As we have already stated, this precise point has never till now been mooted, although enactments of a similar character have been in force from the earliest history of this Colony;† but a point very analogous in its character and bearing was raised by us in the early part of last year. The particulars of that case are as follows:—Certain bonds entered into by the Geelong and Melbourne Railway Company, upon that work being purchased by the Government, became chargeable

* "The consolidated revenue of Victoria shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject, nevertheless, to be reviewed and audited in such manner as shall be directed by any Act of the Legislature."

† See 5 & 6 Vict., c. 76, ss. 35 and 36.

on the Railway Loan Account at a time when the unexpended balance of the loan was but little, if anything, more than sufficient to meet the outstanding bonds (due in 1867). The question arose with us whether an amount should not be reserved out of that account sufficient to meet the bonds when actually due. When, therefore, the Honourable the Treasurer consulted us upon the subject we made known to him what our impressions were, and thereupon he laid the matter before the Crown Law Officers, and finally communicated to us the following opinion obtained from them :—

Opinion dated February 10, 1865.

“The duty of the Commissioners of Audit under section 25 of Act No. 86, is confined, I think, to ascertaining that the sums mentioned in the instrument prepared by the Treasurer are then legally available for, and applicable to, the service or purpose mentioned in the instrument; that is to say, the Commissioners have only to ascertain that Parliament has sanctioned the expenditure of public money for the particular purpose, and has provided funds to meet that expenditure. The construction of the railways, and the payment of the cost of construction out of the Railway Loan Account, have been authorized by Parliament. It is true that the Railway Loan Account will not be sufficient to satisfy the whole of the expenditure authorized by Acts Nos. 36 and 96; but if any one could remonstrate against the application of the whole of the loan account to the purposes of railway construction, it would be the bondholders and not the Commissioners of Audit, whose duty of interference does not arise when engagements are contracted, but when payment of those engagements is to be made. Any remonstrance on the part of the bondholders would be fully answered in my opinion by reference to Act No. 96, which makes the Government of Victoria liable to satisfy their claims when they become due, and gives the bondholders (5. 10) a right of action against the Board of Land and Works for the enforcement of those claims. It will be the duty of the Government to provide before 1867 for an increase of the Railway Loan Account. In the meantime I am of opinion that the account must be applied to the discharge, in the order in which they fall due, of any engagements entered into under the authority either of Act No. 36 or of Act No. 96, and that it will be the duty of the Commissioners of Audit to countersign the instrument mentioning the service or purpose for which any such engagement has been made.

(Signed)

GEO. HIGINBOTHAM.”

The noticeable points in the above opinion are : 1st. That the duty of interference by the Commissioners of Audit did not arise at the time of signing the instrument, at which period it was limited to the ascertaining that Parliament had sanctioned the particular expenditure contemplated, and had appropriated funds for that purpose; 2nd. That any remonstrance on the part of the bondholders, arising out of the priority of their claims, would be fully answered by the Act, which made the Government of Victoria liable to satisfy such claims when they become due; and lastly, that engagements can be discharged in the order in which they become due, notwithstanding priority of other claims, and that it would be the duty of the Commissioners of Audit to certify accordingly.

In a previous portion of this minute we stated that we could present no sufficient reasons for dissenting from this view; but in point of actual fact, though we had thought it expedient to suggest the inquiry, the opinion given by the Law Officers was only confirmatory of that we ourselves held, and it laid down a course of proceeding corresponding in every particular with the practice we had followed for the previous seven years. It is perhaps needless to add that in respect not only to the bonds alluded to, but in all other matters, we have continued to carry out the principles enunciated in the above-quoted legal opinion, and we would therefore proceed now to give a brief statement of what the effects would probably be if the course indicated in his Excellency's Minute be strictly carried out.

His Excellency will be aware that the revenue is a Consolidated Fund, and that no portion of it can be set apart for any special purpose; and also, that the principle of consolidation has been largely carried out, not only in every department of the Government, but also in regard to almost every individual belonging thereto; so that it is impossible at present for any one person to say what are the costs and charges of collecting and receiving the revenue. In very few instances will it be found that duties connected with this service are not combined in the same person with others of a general character. Supposing a responsibility such as we

have previously indicated to be devolved upon the Honourable the Treasurer, we could suggest no means, as the departments are at present organised, by which that Minister could fully meet it. We will not dwell upon this point, for it must be evident, we think, that the Government and Service generally, but especially the Treasurer and his Department, would under such circumstances occupy a very embarrassing position.

Another probable effect is, that the votes of the Assembly would be postponed, and could be ignored altogether. If, as the opinion of the Law Officers would seem to indicate, the intention of the 45th section of the Constitution Act is that all expenses in any way connected with the receipts and collection of the revenue are to be withdrawn from the control of the House of Assembly as well as from that of the Legislative Council, the objection that might be based upon the probable effect above mentioned can of course carry no weight; but hitherto we have had no reason to suppose that such a meaning had ever been attached to that enactment.

Another probable effect would be one also of a serious nature, and may be best illustrated by an example. His Excellency will be aware that the annual interest on the railway and other debentures, which amounts to a sum of considerable magnitude, is payable chiefly in London; and that in order that funds may be there present to meet it, as the coupons are presented according to law, money to a sufficient amount has to be drawn from the public account for remittance to England some months beforehand, to allow for the time that will be required to enable the remittances to reach England. Thus the half-year's interest due in London on the 1st of April, 1866, was drawn out in December 1865. Now had we or the Honourable the Treasurer been called upon at that time to carry out the course indicated in his Excellency's Minute, the actual effect would have been that the money could not have been remitted till at the earliest after March 1866, and would not reach London till between two and three months after the claims of the debenture-holders had become due.

In short it is impossible adequately to estimate the full effects likely to ensue from the abrupt introduction into a well-established system of a course of action antagonistic to the principles upon which that system was founded.

We feel that in entering thus fully into the merits of the question under notice, it will be considered that we have largely trespassed upon his Excellency's patience and courtesy; nevertheless, we rely upon that courtesy to justify everything we have said; and the more so as we are conscious of not entertaining any other feelings towards the representative of Her Majesty than those of profound respect, giving vigour to our desire to act with unreserved loyalty in all matters upon which his Excellency thinks fit to communicate with us.

The remaining topic of his Excellency's Minute, viz., that relating to the Civil Service Act, will not require any lengthy remarks from us, for we are happy in being able to state that we find no difficulty whatever in adopting the opinion there propounded. We have always regarded the Civil Service Act as one intended to withdraw the salaries of certain classes of public servants, whose respective offices have received the sanction of the Legislature, from the minute scrutiny and lengthy discussion previously bestowed upon them in Parliament; and further, that the Civil Service Act, by laying down broad principles upon which such salaries should be regulated, would accomplish that object without depriving the House of Assembly of any real power of control, especially as all new offices would still have to be sanctioned by it. We were quite prepared therefore upon the several provisions of the Act being fulfilled, especially that which makes it incumbent upon the Legislative Assembly to fix for each and every financial year the maximum and minimum of the salaries of each class, to view that Act as making such salaries a special appropriation, having priority over later special appropriations. The Government, however, we scarcely need point out, has not to the present time acted as though they held a similar view; for each year the salaries of the Civil Service have been submitted to the Legislative Assembly in detail, and the House has not, so far as we are aware, been asked, except for the year 1862, to fulfil a necessary condition of the Act, viz., to fix for the financial year the maximum and minimum of each class of salaries. Thus the Appropriation Act has become the sole authority for making these payments.

(Signed)

C. H. SYMONDS.
FRANCIS JONES.
ALFRED J. AGG.

Inclosure 3 in No. 6.

Minute for the Honourable the Treasurer.

I UNDERSTAND by the Minute of the Audit Commissioners, dated the 24th instant, that they recognize the 45th clause of the Constitution Act and the Civil Service Act as special appropriations of the revenue, or tantamount thereto: provided that certain conditions prescribed by law, which have not been hitherto observed, are fulfilled in future.

Concurring entirely in the observation of the Crown Law Officers, that "a thousand accidents may prevent the passing of an Appropriation Act," it is, I conceive, of the utmost importance that those branches of the public service whose maintenance has, in the opinion both of those officers and of the Commissioners of Audit been rendered independent of any further act of the Legislature, or requires only that the "rate of reduction and increase, if any, or the limits of salary" be annually adopted by the Assembly, should be practically placed upon their proper footing in accordance with those opinions, with as little delay as possible.

I trust that my advisers, as a body, will concur in this view.

With respect to the remarks of the Commissioners of Audit, whose opinions I am sure are most conscientiously given, I would observe that they are the only functionaries who are required to certify that the revenue is "legally available" for payments, and that the Constitution Act provides that certain specified services shall be charged upon the revenue before the revenue is even subject to be appropriated to other purposes.

I do not see, therefore, how the Commissioners can certify that the revenue is "legally available" for other objects until the services so specified in the Constitution Act have been at least put in course of payment, so far as the certificate of the Commissioners of Audit, that the revenue is legally available for the purpose, is required. But this precaution is, as the Auditors remark, unnecessary, when, as has been the case until the present emergency, there is no doubt that all claims upon the revenue would be met almost simultaneously.

(Signed) C. H. DARLING.

January 29, 1866.

No. 7.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received April 12, 1866.)

(No. 20.)

(Answered, No. 46, April 25, 1866, page 51.)

Sir,

Government House, Melbourne, February 23, 1866.

I HAVE the honour to report that the general election terminated on the 29th ultimo, and that the Parliament met in pursuance of my summons on the 12th instant.

2. Upon the 13th instant I read to both Houses, by the advice of my Ministers, a Speech of which I beg to inclose a copy. I transmit also copies of the Addresses in reply to the Speech which I have received from both Houses, together with copies of my rejoinders.

3. The Address in the Assembly was carried without a division. That of the Council was adopted by a majority of seventeen to seven.

4. I believe the composition of the new House of Assembly may be fairly stated as follows:—

Barristers	..	..	..	..	..	..	..	..	10
Solicitors	..	..	..	..	..	..	..	..	4
Merchants and commission agents	..	..	..	..	..	..	..	..	12
Medical men	..	..	..	..	..	..	..	..	2
Land agents, stock-brokers, accountants, &c.	..	..	..	..	..	..	..	..	10
Traders and importers	..	..	..	..	..	..	..	..	8
Landed proprietors, squatters, and farmers	..	..	..	..	..	..	..	..	14
Managers of mines, and connected with mining property	..	..	..	..	..	..	..	..	6
Managers of banks and assurance companies	..	..	..	..	..	..	..	..	2
Newspaper proprietors	..	..	..	..	..	..	..	..	3
Hotel proprietor	..	..	..	..	..	..	..	..	1
Gentlemen now following no fixed pursuit, but, with one exception, possessing property, in some cases to a considerable extent	..	..	..	..	..	..	..	..	6

I have, &c.

(Signed) C. H. DARLING.

Inclosure 1 in No. 7.

*Speech of Governor Sir C. Darling in opening Parliament.***Mr. President and Honourable Gentlemen of the Legislative Council :****Mr. Speaker and Gentlemen of the Legislative Assembly :**

I HAVE thought fit to call you together as soon as possible after the general election, in order that the questions upon which the country has pronounced may be considered and determined by the Legislature without delay.

I trust that the result of the appeal that has been made to the people will aid you in overcoming the great difficulties which have accrued from the differences between the Houses; and that by a wise and considerate exercise of the powers which you respectively possess, you may be able to legislate in accordance with the public will.

Gentlemen of the Legislative Assembly :

The alterations in the Tariff which were sanctioned by the late Assembly will be immediately submitted to you.

The estimates for the year have been framed with a due regard to economy, while, at the same time, provision has been made for the efficient maintenance of the public service, the prosecution of works which have been already commenced, and for such others as are required by the progress of the country.

The sum of 50,000*l.* voted by you last year for the erection of bridges in country districts, and the amount provided in aid of the building funds of charitable institutions, will be held available for those purposes. The increase of the endowment for main roads, for which a Bill was to have been brought in last year, will be proposed to you as a supplementary vote of 1865.

Mr. President and Honourable Gentlemen of the Legislative Council :**Mr. Speaker and Gentlemen of the Legislative Assembly :**

Although the ordinary course of public business has been much disturbed by recent events, I am glad to be able to tell you that the most important measures of the late Parliament have been promptly and energetically administered by the Government.

Amongst these is the provision made for giving to the country districts a supply of water. An adequate staff of engineers and surveyors has been for some time employed upon the work, which will be pressed on with the utmost dispatch.

It is the intention of my advisers to carry out the desire of the Legislature upon the subject of Colonial defences, some of the ordnance required for the batteries being now in course of manufacture in the Royal Arsenals.

The necessary applications have been made to Her Majesty's Government for the establishment of a branch of the Royal Mint at Melbourne.

You will be gratified to learn that the Land Act continues to work satisfactorily. Should further experience disclose defects in it which cannot be cured by administration, it will be the duty of my advisers to propose such amendments of the law as may secure its great objects—the agricultural settlement of the people and the more rapid growth of the country.

I am happy to be able to inform you that the Commission lately appointed for the purpose of arranging and carrying out the means for an Intercolonial Exhibition of Industry, to be held in Melbourne in August next, have applied themselves to their task with the utmost zeal and energy; and that in response to their official communications, they have received from all the surrounding Colonies, as from the various districts of our own, the warmest assurances of co-operation and support. Perhaps by such an Exhibition only can even Colonists themselves obtain adequate knowledge and distinct impressions as to the varied capabilities of this vast and interesting island continent; and we may hope that the collected specimens of the produce and industry of Australasia, which the well-directed labours of the Commission may bring before you, will, as in older countries, give a new and most beneficial impulse to the enterprise of our people.

The almost unprecedentedly long drought by which the country has been afflicted, and which until very recently threatened to become in its consequences a great public calamity, is I trust drawing to an end. From various pastoral

districts of this Colony, and from the interior of New South Wales, we learn that extensive districts have been relieved by copious rains. It is some mitigation of this visitation that the season which has been so injurious to the pastoral and mining interests has not in the same degree affected agriculture, the crops of the present season being in many districts unusually abundant.

A session of twelve months' duration followed immediately by a general election and the meeting of Parliament has not left to my advisers time for the preparation of various important measures which it will be necessary to submit for your consideration. But there are some Bills which can be prepared and introduced this session without protracting your deliberations too much.

Amongst these I may mention Bills for the amendment of the laws relating to lunacy, the public health, and the volunteer force, which cannot be conveniently deferred, and which, with the Tariff, the Estimates, and a Bill for the Reform of the Legislative Council, will be submitted for your early consideration.

Anticipating that you will be disposed to agree with the Resolution of the late Assembly in favour of a reduction in the postal charges, my advisers propose to submit a Bill for the establishment of a uniform rate.

The experience of the working of the "Common Schools Act" seems to call for further legislation, and with a view to the obtainment of accurate and detailed information, it is my intention to issue a Royal Commission on the subject.

I trust that your deliberations may, under the blessing of Divine Providence, conduce to the permanent prosperity and happiness of the people.

Melbourne, February 13, 1866.

Inclosure 2 in No. 7.

Address of the Legislative Assembly.

To his Excellency Sir Charles Henry Darling, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-chief of the Colony of Victoria, &c.

May it please your Excellency,

WE, Her Majesty's faithful subjects, the members of the Legislative Assembly of Victoria, in Parliament assembled, beg to express our loyalty to Her Most Gracious Majesty, and to thank your Excellency for having summoned Parliament thus early after the general election, in order that the questions upon which the country has pronounced may be considered and determined by the Legislature without delay.

We assure your Excellency that, with you, we trust that the appeal which has been made to the people will aid us in overcoming the great difficulties which have accrued from the differences between the Houses, and that by a wise and considerate exercise of the powers which we respectively possess, we may be able to legislate in accordance with the public will.

We thank your Excellency for informing us that the alterations in the Tariff which were sanctioned by the late Assembly will immediately be submitted to us.

We inform your Excellency that the Estimates for the year will receive our best attention, as also a supplementary vote for increasing the endowment for main roads; and that we are glad to learn that the 50,000*l.* voted by the late Assembly for the erection of bridges, and the amount provided in aid of charitable institutions, will be held available for those purposes.

We express our satisfaction that although the ordinary course of public business has been much disturbed by recent events, the most important measures of the late Parliament have been promptly and energetically administered by the Government, and that among these is the provision made for giving to the country districts a supply of water.

We thank your Excellency for informing us that it is the intention of your advisers to carry out the desire of the Legislature upon the subject of Colonial defences, and that the necessary applications have been made to Her Majesty's Government for the establishment of a branch of the Royal Mint at Melbourne.

We express our gratification at learning that the Land Act continues to work satisfactorily, and inform your Excellency that should further experience disclose defects in it which cannot be cured by administration, we shall cheerfully take into

consideration such amendments of the law as your Excellency's advisers may propose in order to secure its great objects—the agricultural settlement of the people, and the more rapid growth of the country.

We inform your Excellency that we are glad to learn the Commission lately appointed for the purpose of arranging and carrying out the means for an Inter-colonial Exhibition of Industry, to be held in Melbourne in August next, have applied themselves to their task with the utmost zeal and energy; and that in response to their official communications, they have received from the surrounding Colonies, as from the various districts of our own, the warmest assurances of co-operation and support.

We express our concurrence in the view taken by your Excellency, that it is perhaps only by such an Exhibition that even colonists themselves can obtain adequate knowledge and distinct impressions as to the varied capabilities of this vast and interesting island continent; and that we may hope, therefore, that the collected specimens of the produce and industry of Australasia, which the well-directed labours of the Commission may bring before us, will, as in older countries, give a new and most beneficial impulse to the enterprise of our people.

We express our gratification that the almost unprecedentedly long drought by which the country has been afflicted seems, from the accounts received from the various pastoral districts of the Colony, and from the interior of New South Wales, to be drawing to an end; and that the season which has been so injurious to the pastoral interests has not in the same degree affected agriculture.

We assure your Excellency that we are sensible that a session of twelve months' duration, followed immediately by a general election, has not left to your advisers time for the preparation of various important measures which it will be necessary to submit for our consideration; and inform your Excellency that those Bills which nevertheless can be prepared and introduced this session will receive our best attention.

We inform your Excellency that we shall cheerfully take into consideration the Bill for the establishment of a uniform rate of postage.

We thank your Excellency for informing us that it is your intention to issue a Royal Commission, with a view to the obtainment of accurate and detailed information upon which to base further legislation, which the experience of the working of the Common Schools Act seems to call for; and,

We express our trust that our deliberations may, under the blessing of Divine Providence, conduce to the permanent prosperity and happiness of the people.

Inclosure 3 in No. 7.

Reply of Governor Sir C. Darling.

Mr. Speaker and Gentlemen of the Legislative Assembly,

IT is very satisfactory to me to receive your loyal Address, from which I learn with pleasure that the views which I expressed to you at the opening of the present Parliament will receive your best attention.

(Signed)

C. H. DARLING.

Government Offices, February 14, 1866.

Inclosure 4 in No. 7.

Address of the Legislative Council.

To His Excellency Sir Charles Henry Darling, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-chief of the Colony of Victoria, &c.

May it please your Excellency,

WE, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg to approach your Excellency with expressions of our loyalty and attachment to Her Majesty's Throne and person, of respect for the Constitution under which we live, and of submission to the law which binds alike all members of the community.

We have to thank your Excellency for the Speech with which you have opened the present Parliament.

The late general election appears to have established that a majority of the people are in favour of a protective tariff, and though we may not have anticipated that result, we are ready to give effect to the opinion thus expressed, even should a duty be imposed upon wheat, flour, and other produce of the land which has been opened to so large a portion of the population.

We are not aware that any difficulties which can be removed by legislation have accrued from differences between the two Houses. The usual Appropriation Act for authorising the expenditure of 1865, as we more than once informed your Excellency during the late session we were desirous to pass, had it been transmitted in the accustomed manner.

We disclaim any desire to unduly interfere with the fiscal system of the colony ; but we nevertheless feel it necessary to state that, as required by our Constitution Act, we shall always insist upon a strict adherence to the usage and practice of the Imperial Parliament in regard to the contents of Bills : and that, should any Bill for granting a supply to Her Majesty contain clauses dealing with any part of the revenue derived from Crown Lands, it will be our duty to pursue the same course in regard to it which we adopted during the past session.

We concur with your Excellency in trusting that, by a wise and considerate exercise of the powers possessed by the two Houses respectively (and which, as your Excellency is aware, they derive from the Constitution Act alone), they may be able to legislate in accordance with the public will.

It is a source of satisfaction to us to be assured by your Excellency that the most important measures of the late Parliament have been promptly and energetically administered, and that it is intended to carry out the desire of both Houses upon the subject of colonial defences.

We trust that the establishment in Melbourne of a branch of the Royal Mint may be attended with the advantages which are expected to flow from it.

Your Excellency's assurance that the Land Act continues to work satisfactorily is encouraging to the promoters of that measure, and will, we hope, be borne out by the experience which the future will afford of its operation.

While we look forward with interest to the forthcoming Intercolonial Exhibition of Industry, we cannot but express our opinion that the protective policy which a majority of the people have determined to adopt is likely to deprive the population of this colony of the great advantages which a free interchange of the produce of other countries would otherwise have conferred upon them.

We rejoice to be informed by your Excellency that the drought which has been so injurious to the mining and pastoral interests has not, in the same degree, affected the agriculturists.

We fully acquiesce in your Excellency's statement that your advisers have had little time for the preparation of important measures, and we would respectfully suggest to your Excellency that the evil can only be remedied by drawing to a much earlier close than has hitherto been the custom the present and future sessions of Parliament.

The reform of the Legislative Council is a question which we shall forthwith refer to the deliberations of a Select Committee of this House. The other Bills which your Excellency has mentioned will receive our attentive consideration. We must, however, express, not only our regret, but our surprise, that your Excellency has not been advised to allude to the illegal remission and collection of taxes, and the unauthorized expenditure of revenue during the past year.

The trust which your Excellency has expressed that the deliberations of the Legislature may, under the blessing of Divine Providence, conduce to the permanent prosperity and happiness of the people, is fully shared by this House.

Inclosure 5 in No. 7.

Reply of Governor Sir C. Darling.

Mr. President and Honourable Gentlemen of the Legislative Council:

IN receiving your Address, I deem it unnecessary to say more than that as Her Majesty's Representative in this Colony, I thank you for your expression of loyalty and attachment to Her Majesty's throne and person.

(Signed)

C. H. DARLING.

Government Offices, Melbourne, February 22, 1866.

No. 8.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received May 14, 1866.)

(No. 23.)

(Answered, No. 58, May 25, 1866, page 52.)

Sir,

Government House, Melbourne, March 2, 1866.

IN the 8th paragraph of my despatch No. 4 of the 22nd January last,* I have stated that the collection of duties under the 'Tariff' introduced into the Assembly at the beginning of last year commenced in February 1865, as from the date of the resolution of the Assembly on which the Bill intended to legalize them is founded.

2. This statement is not strictly accurate. I should have said that the duties as they finally passed the Assembly were put into operation in February; but that the collection commenced on the 20th January, 1865, according to the rates proposed to the Assembly by the Treasurer on the previous day; any adjustment with the importers which might have been rendered necessary by changes effected during the passage of the Tariff through the Assembly, being subsequently made by the Customs authorities.

3. I beg leave to inclose an extract from the debate which took place on the 19th January, 1865, by which you will perceive that it was distinctly stated by Mr. Francis, the Commissioner of Trade and Customs, that the new duties would at once be collected, subject to ultimate adjustment "in the event of the Tariff not being granted by Parliament," and that the motion of Mr. Verdon, the Treasurer, "that the Honourable the Commissioner of Customs be authorized to take such measures as might be necessary for the protection of the new duties proposed during the discussion of the resolutions" was agreed to without a division; Mr. O'Shannassy, who has since designated this proceeding as illegal and unconstitutional, and charged me with a dereliction of duty in permitting it to take place, being himself present and acquiescing in its adoption.

4. The fact that the intention of the Government ultimately to adjust the duties according to the decision of Parliament was thus made publicly known, sufficiently proves, I think, that the object of the parties who subsequently brought actions against the Government was, as already observed in my despatch No. 144 of the 11th December (paragraph 7), "not simply to recover back the duties in the event of the new Tariff not becoming law, but to recover back those duties even in the event of their being ultimately legalized," and before that legalization should take place.

5. I have now to state, for your information, that a Tariff precisely similar to that which was rejected by the Legislative Council last year was introduced into the Assembly on the 21st ultimo, by the Treasurer, who towards the conclusion of the debate moved, as will be seen by the inclosed extract of his speech, "that the Commissioner of Trade and Customs be authorized to take such measures as may be necessary for the protection of the revenue with reference to the duties proposed to the Committee this day."

6. This resolution was adopted without a division or the slightest remonstrance on the part of the Opposition, which includes several gentlemen holding commissions as Members of the Executive Council, who have denounced the similar proceedings of last year as illegal and unconstitutional, and complained of my conduct in having, as they allege, given to those proceedings my sanction and concurrence. The

* Vide Papers presented March 23, 1866, page 1.

inconsistency of these gentlemen is rendered the more complete by the fact that this acquiescence has been accorded at a moment when the Legislative Council have distinctly declared in their Address to me, in reply to the Governor's speech at the opening of the Session, that they will reject the tariff if the export duty on gold, which they maintain to be revenue derived from Crown lands, should be, as it in fact is, included therein.

7. Neither the mercantile community nor any section of the public has, so far as I am aware, offered the slightest objection to the course pursued. The new papers are equally silent upon the subject.

8. These proceedings have taken place subsequently to the receipt by the Commissioners of Trade and Customs of the Minute, a copy of which was transmitted with the despatch which I had the honour to address to you upon the 20th ultimo.*

9. I am obliged, therefore, to admit that duties of Customs are now being collected without the strict sanction of law, if indeed the sums deposited can be properly called duties, when they are avowedly received subject to a pledge that they shall be returned if they do not become leviable by law. After having given the subject the best consideration of which I am capable without the assistance of the opinion of the Law Officers,—an opinion which, although I entertain personally a high estimate of the ability and honour of those gentlemen, would, after the receipt of your despatch No. 107,† be of no official weight or value, or in any way exonerate my responsibility,—I have come to the conclusion that my proper course will be not actively to interfere in the matter so long as it retains its present position. This conclusion mainly rests upon the view which I take of the Customs Act, No. 13, as explained in my despatch No. 13‡ of 17th February last, and upon which view I think I ought to act until I am advised by you whether it is erroneous or not. If it be deemed erroneous, I trust I shall receive specific instructions as to what my power of interference is, and how it should be exercised.

10. I could of course call upon the Commissioner of Customs to abstain from collecting the duties or resign his office. This step, however, would no doubt induce the immediate resignation of the Ministry, an occurrence which, supported as they are by a very large majority in the Assembly, would lead to embarrassment and difficulty, which it would I think be unwise to create by an exercise of a power, the legality of which would certainly be much questioned, and is not supported by my own judgment.

I have, &c.
(Signed) C. H. DARLING.

Inclosure 1 in No. 8.

Extract from the Parliamentary Debates of January 19, 1865.

Mr. Verdon said he would, with the leave of the Committee, withdraw the motion, and move that the Honourable the Commissioners of Customs be authorized to take such measures as might be necessary for the protection of the new duties proposed during the discussion of the resolutions.

Mr. Levi asked whether arrangements would be made for refunding sums paid as duties in the event of the resolutions submitted by the Government not being passed by the House.

Mr. Francis said that at that moment an officer of the Customs was in attendance at the House ready to send off by telegram to the outports any alteration made in Tariff, and the Customs Department was ready to make the necessary arrangements for Melbourne in the morning.

The Customs Department on the one hand would at once proceed to the collection of the new duties, and on the other, reduced duties would be received on a bond being given that the money would be refunded in the event of the Tariff not being granted by Parliament.

The motion was agreed to.

The House resumed. The resolution was reported, and the standing orders having been suspended, was adopted.

Inclosure 2 in No. 8.

Extract from the Parliamentary Debates of February 21, 1866.

Mr. Verdon.—I HAVE made it my practice since I have held this office, never to object to any application for time to consider the financial statement. Having had to criticise financial statements myself, I know that it is utterly impossible to follow the figures without time for consideration. All that I ask is, that the usual course should be adopted of authorizing the Minister of Customs to take the proper steps for the protection of the revenue, and that when once the resolutions have been carried, no opposition shall be offered to the Bill being sent to the Legislative Council with the least possible delay. I will move “that the Commissioner of Trade and Customs be authorised to take such measures as may be necessary for the protection of the revenue with reference to the duties proposed to the Committee this day.”

No. 9.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received May 14, 1866.)

(No. 24.)

(Answered, No. 58, May 25, 1866, page 52.)

Sir,

Government House, Melbourne, March 20, 1866.

I HAVE had the honour to receive your despatch No. 11* of the 26th January last, conveying to me further remarks and instructions upon the subjects in respect to which complaints have been made by the Legislative Council of this Colony.

2. I have recently taken leave to submit to you explanations upon these subjects, and it seems only right I should now mention that the provisional levy of the proposed new Customs duties did not cease in October last, in consequence of any special instruction from me.

3. It will be observed by a previous despatch, that I have hitherto considered that under the Customs law of this Colony, the responsibility for the collection of Customs duties, under sufficient authority for that purpose, rests with the Commissioner of Trade and Customs; and that the Governor has by law no more power to interfere with the collection of these duties than he has with the levy of the Excise duties, or the collection of any other revenue which is provided for, as in the case of the Customs, by legal enactment.

4. The authority hitherto usual and accepted without demur by the Legislature and people of the Colony for commencing to levy proposed Customs duties, and under which, without any instruction from the Governor, their levy has always been commenced, was given, as I have stated in a former despatch, on the 19th January, 1865, by a Resolution of the Legislative Assembly in these words, viz., that “the Honourable the Commissioner of Customs be authorized to take such measures as might be necessary for the protection of the new duties proposed during the discussion of the Resolutions.”

This Resolution was agreed to without division or objection; the Commissioner of Customs at the same time stating, in his place in the House, that the duties would be collected, subject to ultimate adjustment “in the event of the Tariff not being granted by Parliament.” When it was finally ascertained that the Tariff would not be “granted by Parliament,” the levy of the duties accordingly ceased.

5. It has also been in my power to furnish you with what I have believed to be satisfactory proofs that the final decision of the Supreme Court relating to these duties in the cases in which actions were brought, was not delivered until some time after the duties had ceased to be demanded. I had no official knowledge of these actions until they were adverted to in the Address of the Council to Her Majesty, which complains that I permitted the duties to be collected after the alleged decision of the Supreme Court in regard to them; nor indeed, any other knowledge of them than that they were actions brought by individuals against the officers of Customs in the manner required by law; and in regard to the effects of which it was the duty of the officers of Customs to be guided by the instructions of the Law Officers of the Crown.

6. With reference to one observation in your despatch, I would beg remark that it was impossible for me to assume that the Legislative Council were ignorant of the fact that the Governor’s authority never had been exercised and could not be called

into legal exercise in respect to the levy of the Customs' duties; and it was therefore that I considered the charge against me individually upon this point as "frivolous and easily refuted."

7. The charge founded upon the notice respecting the non-payment of salaries is based upon the allegation, not merely that there had been a "publication," but that I had permitted "continued publication" of the notice. In that view of the charge, I (not unnaturally, I think) regarded it also as "frivolous and easily refuted;" but I am perfectly ready to acquiesce in the suggestion your despatch contains, that that charge was put forward for no other purpose than to prove my alleged inconsistency of conduct.

8. With respect to the remaining charge, viz., the contraction of a loan, I regarded that part of it which describes the proceedings referred to as collusive and revolutionary, to be "frivolous and easily refuted," because it was simply absurd to apply these terms to a plan by which the just debts of the Government had been paid with the concurrence of the Legislative Assembly. That it involved an apparent slight, under pressing circumstances, of the rights of the Council, I did not for a moment deny; and it will be, I think, admitted on reference to the context of my despatch, that I employed the terms "formal" and "insignificant," not in a spirit of disrespect or even of disregard for the rights of the Council in general, but in special reference to the fact that that Body had already virtually acquiesced in the expenditure for which the loan provided.

9. If I have conveyed the contrary impression, it was not what I intended; and I hope the explanation I now offer may be regarded as a correction in this respect of my former despatch.

I have, &c.
(Signed) C. H. DARLING.

No. 10.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received May 14, 1866.)

(No. 25.)
Sir,

(Answered, No. 57, May 24, 1866, page 52.)

Government House, Melbourne, March 20, 1866.

IN my despatch No. 16* I had occasion to bring under your notice extracts of two letters addressed by the Committee and by the Chairman, Mr. James Lorimer, and the Secretary, Mr. Edward Langton, of the Free Trade League of Victoria, to the editor of the London "Times."

2. In one of these extracts, viz., that from the letter of the 26th October, Mr. Lorimer and Mr. Langton profess to express the general conviction among the propertied, professional, and educated classes of the Colony, and they declare that conviction to be that I, as Governor of the Colony, am responsible for a dead lock, and for all the illegalities which have arisen out of it, and that the legal and order-loving portion of the community confidently hope that the Colony will be speedily provided with another Governor.

3. The letter of the Committee of the League, dated 25th September, commences by asserting that the League represents almost the entire mercantile, professional, and propertied classes of the Colony, and then professes to give a statement of the proceedings in the Legislature, and of the Governor and Government consequent thereon, upon which the writers base six distinct charges against the Government for conduct which they accuse me of having countenanced and sanctioned. Of these charges I need only in this place say that there is only one, namely, the borrowing money without legal or any other sanction (to use the language of the letter referred to), in regard to which I possessed any legal or constitutional power of interference; while, with regard to the charge specified, it was a mean and culpable suppression of the truth not to state that (1) the money was so borrowed after a Resolution of the Legislative Assembly requesting me to take, and promising me their support to any measure I might adopt, with the advice of my Ministers, for maintaining the public credit; (2) that an address had also been subsequently passed by the Assembly approving of the course actually adopted; and (3) that that course was adopted under the opinion of the responsible Law Officers of the Crown that it was one which it was within the competency of the Government to take.

4. In alluding to these letters I do not, Sir, for a moment assume that they have ever been brought under your notice, but as they are documents which, having been printed in the columns of the "Times," must necessarily have received a very wide circulation, and as the League are undoubtedly the instigators and managers of the petition, bearing about 20,000 signatures, which I transmitted in my despatch No. 133,* 1865, I have thought it would be proper to obtain, and to put Her Majesty's Government in possession of the best information within my reach, as to the constitution and composition of that body, and its just claim to be regarded as the representative of the entire mercantile, professional, and propertied classes of the Colony.

5. With this view I caused a letter, of which the inclosed is a copy, to be addressed to the Chairman, to which a reply was received, whereof I beg also to forward a transcript.

6. It will be seen that upon the plea that an accurate register of all the subscribers has not been kept, no information whatever as to the members of the mercantile, professional, and propertied classes who belong to the League has been given, except in so far as it may be gathered from the names of the Committee to whom the conduct of the business of the League is entrusted.

7. Of the members of this Committee, their callings and position in the community, I have had no difficulty in obtaining sufficiently accurate information, which I have now the honour to submit, viz.:—

8. Mr. Lorimer, the Chairman, *Mr. Bell, Mr. Fowler, *Mr. Spowers, Mr. Strachan, are commission and shipping agents; Mr. Bright, a vice-chairman, is a merchant and commission and shipping agent, closely connected with the eminent mercantile house of Gibbs and Bright, of Bristol and Liverpool; Mr. Stevenson, the other vice-chairman, Mr. Lyall, Mr. Sargood, are importers of what are here called soft or slop goods; Mr. Haller is a commission agent; *Mr. D. S. Campbell is a dealer in, but not an importer, of wines, &c.; Mr. Youngman is an importer of Indian produce; Mr. Callaghan and Mr. Castilla are boot and shoe importers, but Mr. Castilla is a manufacturer also; Mr. Kidney is an outfitter and tailor; Mr. Keep, Mr. Thomson, Mr. Whitney, are importers of iron ware; Mr. Loader is a saddler's ironmonger; *Mr. Selwyn Smith is a general agent; Mr. Guest is a biscuit manufacturer; Mr. Walker is a carter; Mr. Langton is the proprietor and editor of the weekly paper called "The Spectator," established last year by the Free Trade League, was formerly connected with a butchery and secretary to the League; Mr. Johnson is an attorney-at-law; Mr. Stephen and Mr. Wood are barristers-at-law in very good practice; they both stood for seats in the Assembly at the last general election and were both defeated, Mr. Wood having experienced that treatment at the hands of no less than three constituencies in succession.

9. Many of these gentlemen are of great respectability in their several spheres of business. Those to whom the mark * is attached have passed through an insolvent court, or made assignments under the Act within the last few years.

10. It will be seen at once that the landed interest and the banking interest are totally unrepresented in this committee, that the professions learned or unlearned are represented only by two barristers and one attorney, and I conceive that the barristers may be more fairly regarded as exponents of the views of a political party than of the body of legal practitioners of which they are members.

11. The interests of trade are, in fact, the only interests which the Committee really represents, and even that representation is limited to those particular sections of the commercial body with whose business it is apprehended that the new tariff will more especially interfere.

12. I am far from supposing that there are not many gentlemen connected with the landed and banking interests, and professions generally, who have subscribed to the League; but I believe that their purpose in contributing to the funds was to promote the objects of the League as stated in the paper inclosed in Mr. Lorimer's letter through the means which are detailed in the same document; and that in making attacks upon the Governor of the colony in the public newspapers, or in extending their operations in any shape beyond the limits of Victoria, they have altogether exceeded the powers with which, by the constitution of the Society, they are invested.

I have, &c.

(Signed)

C. H. DARLING.

Inclosure 1 in No. 10.

Mr. Warde to Mr. Lorimer.

Sir,

Private Secretary's Office, Melbourne, February 17, 1866.

TWO letters bearing your signature as Chairman of the Association called the Free Trade and Financial Reform League of Victoria, and in which the public conduct of his Excellency Sir Charles Darling is referred to, having appeared in the London "Times" of the 17th November and 26th October last respectively, I am directed by his Excellency to inquire whether by the constitution of that Association all its members, or only those whose signatures are attached to the letters in question, are responsible for their contents, and to add that his Excellency would be much obliged if he could be furnished with the names of the inhabitants of the Colony who constitute the League.

I have, &c.

(Signed) H. L. WARDE, *Private Secretary.*

Inclosure 2 in No. 10.

Mr. Lorimer to Mr. Warde.

*Free Trade and Financial Reform League of Victoria,
Offices, 12, Collins Street, East, Melbourne,
February 23, 1866.*

Sir,

I HAVE the honour to acknowledge the receipt on the 20th instant of your letter dated the 17th, and in reply beg to inclose you a prospectus showing the objects, means, and rules of the Free Trade and Financial Reform League of Victoria, as also the names of its Committee and officers.

As to the question raised in your letter whether by the constitution of that Association all its members, or only those whose signatures are attached to the letters in question, are responsible for their contents, I have the honour to state that that question appears to be one of law upon which I do not feel myself competent to advise his Excellency.

I have further to add that it was not considered necessary to keep a register of all the names of the inhabitants of the Colony who constitute the League, and I regret that I am consequently unable to furnish his Excellency with the list asked for.

I have, &c.

(Signed) JAS. LORIMER.

Inclosure 3 in No. 10.

*Free Trade and Financial Reform League of Victoria.**Chairman:—James Lorimer.**Vice-Chairmen:—Charles E. Bright, George Stevenson.*

Committee:—Henry Youngman, S. D. Tallerman, Henry Marsh, William M. Bell, James Callaghan, D. S. Campbell, F. Castilla, Philip Johnson, Edward Keep, William Kidney, Thomas Loader, T. B. Guest, F. Haller, James Fowler, Edwd. Langton, Andrew Lyell, F. T. Sargood, H. Selwyn Smith, James Spowers, J. Wilberforce Stephen, John Strachan, W. Kerr Thompson, Thomas Walker, John Whitney, J. Dennistoun Wood.

James Spowers, Honorary Secretary, pro. tem.

Freetraders are invited to enrol themselves as Members of the League at the
Office:—No. 12, Collins Street East.

Objects.

THIS League is formed for the purpose of securing by lawful and Constitutional means:—

First. A fiscal policy founded on the following principles:

1. That the expenses of Government should be defrayed by taxes which bear equitably upon every member of the community.
2. That taxes should be so levied as to take and keep out of the pockets of the people as little as possible beyond what they bring into the public Treasury.
3. That taxes should impose the fewest restrictions upon the employment of labour, and interfere as little as possible with the absolute freedom of trade.

Second. A proper economy in the public expenditure.

Means.

The means which will be employed by the League, and the purposes for which the funds of the Society will be expended, are as follows:—

1. The holding of public meetings and the delivery of lectures throughout the Colony, for the purpose of advocating the principles of the League.
2. The publication of papers and handbills, showing in a familiar manner the evils of protection and the advantages of free trade.
3. Attending to the revision of the electoral lists.
4. Using all legitimate means to promote the return of members to the Legislature whose principles accord with those of the League.
5. Promoting the formation of Branch Associations throughout the Colony.
6. The establishment and support of an office in Melbourne where information can always be rendered, and the publications of the League obtained.
7. The preparation of petitions to the Legislature against any measures brought into Parliament which are obnoxious to the principles of the League.

Rules.

1. That all persons who subscribe to the principles, and contribute annually to the funds, shall be members of the League.
2. That the business of the League be conducted by a Managing Committee, consisting of a chairman, two vice-chairmen, and eighteen members (five to form a quorum), with power to increase their number to twenty-seven, and to fill up vacancies.
3. That the chairman, vice-chairmen, and Committee be elected at the general annual meeting.
4. That every encouragement be afforded to the establishment of local Committees throughout the Colony, and that the members of the several local Committees, duly subscribing to the principles of the League, be admitted as honorary members of the Central Committee, when in Melbourne.
5. That the Committee shall meet at least once a fortnight.
6. That the general meetings of the League be held half-yearly, when the proceedings shall be submitted by the Committee.
7. That the Committee may call a special general meeting as often as they may consider necessary.
8. That the Committee on receiving a requisition signed by fifty members of the League, shall within seven days call a special general meeting.
9. That the Committee have power to make bye-laws, such bye-laws to be confirmed at the next ensuing general meeting of members.
10. That the Committee have power to appoint and remove a Secretary and such other officers as may be necessary, and to disburse the funds entrusted to them in carrying out the objects of the League.

No. 11.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received May 14, 1866.)

(No. 33.)

Sir,

(Answered, No. 58, May 25, 1866, page 52.)

Government House, Melbourne, March 24, 1866.

I HAVE the honour to acquaint you that a Bill, entitled "A Bill for granting to Her Majesty certain duties of Customs, and for altering certain other duties," of which I beg to inclose a copy, having been sent up from the Assembly to the Legislative Council, was rejected by the Council on the 13th instant, upon the grounds stated in the Resolution, of which a copy is also transmitted herewith.

2. Shortly after the rejection of the Bill, Mr. McCulloch and his colleagues tendered to me the resignation of their offices, stating at length their reasons for taking this step in a paper, a copy of which I have the honour to place before you.

3. I informed those gentlemen that I accepted their resignation in the very exceptional state of affairs which they described; but conditionally upon finding myself enabled to form a new Administration, and by their advice I applied with that object to Mr. Fellows, who is the mover of the Resolution adopted by the Council.

4. A correspondence between Mr. Fellows and myself has taken place, and by the copy of that correspondence, which I inclose, you will at once perceive the position in which the attempt to form another Ministry at present stands.

5. Subsequently to the intimation made by Ministers in the Legislature that they had tendered the resignation of their offices, Resolutions, of which a copy is inclosed, were adopted in the Legislative Assembly on the motion of Mr. Cope. These Resolutions were carried by a majority of thirty-seven to fifteen; five members on each side having paired off in consequence of the length of the debate.

6. The Legislative Council have also adopted a Minute in reference to the statement submitted to me by Mr. McCulloch and his colleagues, a copy of which, together with a copy of the Council's Address forwarding it to me, I have the honour, in fulfilment of the desire of the Council, to transmit.

7. I have reluctantly entertained the idea of accepting the resignation of Ministers who are supported in the newly elected Assembly by a very large majority; but as they expressed their readiness to resign last year, as reported in my despatch No. 127* of the 20th October last, and were again desirous of taking that step when I communicated to them your despatch No. 107* of the 27th November last, I felt that I was now bound to endeavour to find substitutes for them, or, if I should fail in that effort, to prove conclusively that their continuance in office is a political necessity.

8. In communicating to me the sentiments to which the perusal of your despatch have given rise, the Ministers adverted more particularly to that passage wherein you express the assurance you entertain of the view which all "honest and intelligent colonists" would take of proceedings such as those which are described as "manifestly unlawful," and as having been adopted merely for an immediate political purpose.

9. I believe that I cannot better explain the nature of the feeling with which the Ministers regard this passage and its context, than by stating that they consider it in effect to characterise them as not being in the ranks of the "honest and intelligent colonists," and that such would be the impression created in the public mind.

10. I could only observe with respect to this opinion that whatever was the language of the despatch, or whatever the amount of censure it conveyed, that language was officially addressed to and that censure was officially laid upon the Queen's Representative, and not upon his advisers in the Colony, and that I thought the Ministers ought not to resign their offices in the midst of a general election.

11. Several of the Ministers then expressed a wish that your despatch should be immediately published. I objected to this course, upon the ground that it is twice stated in the despatch that you could have wished that you had been in possession, before you had written it, of papers and documents which you were led to expect would reach you by the next mail.

12. Four of the Ministers had yet to await the decision of their former constituents, and these gentlemen declared they could not conscientiously allow the elections to take place without at least admitting generally that a despatch had been received in which disapproval had been expressed of the proceedings of the Government, and this they considered more imperatively required, because it was stated positively in the newspapers, upon alleged information from home, that such a despatch had been addressed to me.

13. Upon this point I replied that I could not interfere with their discretion in dealing with their constituencies; that the despatch was certainly officially communicated to them as responsible Ministers, but that I entertained the hope that when the papers were fully before you a very different view of my conduct would be adopted.

14. Your subsequent despatch No. 11* (not realizing that hope) was received by me after the Ministers had tendered their resignation, and my impression is, from the strong feeling which they exhibited on the occasion to which I have already referred, not less on their own account than because (as they assured me) of the regret with which they found that their advice had been the means of drawing down upon me the censure of the Imperial Government, that they would prefer to be in opposition, when your despatches receive the publicity which you have directed should be given to them, and which they will accordingly receive as soon as the Legislature shall have resumed its sittings for the despatch of business.

15. It is impossible, however, to offer any reasonable conjecture as to what may be the result of the present position of affairs. I have always believed, and I

* Vide Papers presented March 1866, pages 33, 101, and 104.

expressed that belief in my despatches last year, that the conflicting claims of the Council and Assembly upon the subject of the export duty on gold would ultimately constitute the most formidable difficulty connected with the dispute between those bodies; not on account so much of its bearings in a financial point of view as of the constitutional principles connected with the right of imposing taxation which it involves, and which is always regarded as so important in systems of government based upon that of England.

16. The only assurance I can offer is that, being now in possession of your orders, I shall take care not knowingly to depart from them, and will bear in mind your injunction that it is "for one or other branch of the Legislature to yield, or for both to compromise their difference."

17. I ought to mention, before closing this despatch, that the supplies are now entirely stopped, and that the salaries of the civil servants are not included (as I had hoped they would have been) amongst the special appropriations, for reasons which are stated in a Minute from the Treasurer, a copy of which I have the honour to inclose, together with a copy of a Minute from me to which it is a reply.

I have, &c.

(Signed) C. H. DARLING.

Inclosure 1 in No. 11.

Extract from a Bill intituled "An Act for granting to Her Majesty certain Duties of Customs, and for altering certain other Duties."

MOST Gracious Sovereign. Whereas we, your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Victoria, in Parliament assembled, did, on the sixteenth day of February, in the year of our Lord One thousand eight hundred and sixty-six, freely and voluntarily resolve that a supply be granted to your Majesty; and whereas, towards raising the supply so granted to your Majesty, we did, on the twenty-eighth day of February aforesaid, resolve that the several duties hereinafter mentioned shall be charged. We do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Acts and parts of Acts mentioned in the first schedule hereto, to the extent to which the same are in and by the said schedule expressed to be repealed, shall be and the same are hereby repealed.

2. In lieu and instead of all other duties of Customs heretofore levied, and subject to the exemptions in the second schedule hereto contained, there shall be collected and paid to Her Majesty upon goods, wares, and merchandize imported, whether by land or sea, into Victoria, and upon gold exported, whether by land or sea, therefrom, the several duties of Customs set forth in the table of duties contained in the said second schedule hereto, at the rates and for the quantities therein-mentioned, and at proportionate rates for any smaller quantity. The said several duties shall be taken to have been in force, and payable on and after the twenty-second day of February, in the year of our Lord One thousand eight hundred and sixty-six, and all acts done on or after the day aforesaid shall be as valid, and the duties on all goods, wares, and merchandize imported into Victoria on or after such last-mentioned day shall be paid, collected, and recovered, and payments in respect thereof may be repaid and adjusted, as if this Act had been passed and had come into operation on such day.

* * * * *

15. The provisions of all laws now or hereafter during the continuance of this Act in force, relating to the Customs, shall (save in so far as the same are inconsistent herewith or are altered hereby) be deemed and taken to be incorporated with this Act, and shall be applied, so far as the same can be applied, to the collection, recovery, and management of the duties enumerated in the Second Schedule hereto:

16. This Act shall be deemed and taken to have been in force and to have come into operation on and from the 22nd day of February, 1866, and shall be and continue in force until the 22nd day of February, 1869, and no longer.

SCHEDULES.

FIRST SCHEDULE.

Section 1

Date of Act.	Title of Act.	Extent of Repeal.
18 Vict., No. 9	.. "An Act for Granting Duties of Customs in the Colony of Victoria."	Section 2 and Table marked A annexed to Act.
18 Vict., No. 27	.. "An Act for Granting Duties of Customs upon Gold Exported from Victoria."	The whole.
21 Vict., No. 7	.. "An Act for Granting a Duty of Customs on Opium."	The whole.
21 Vict., No. 13	.. "An Act to Consolidate and Amend the Laws relating to the Customs."	Sections 100 and 101.
21 Vict., No. 15	.. "An Act to Amend the Law relating to Gold Coin."	So much as has not been already repealed.
25 Vict., No. 135	.. "An Act to amend an Act intituled 'An Act for Granting Duties of Customs upon Gold Exported from Victoria.'"	The whole.
25 Vict., No. 144	.. "An Act to amend the Laws relating to the Customs."	The whole.
25 Vict., No. 155	.. "An Act to amend an Act for Granting a Duty of Customs on Opium."	The whole.
27 Vict., No. 169	.. "An Act to further amend the Laws relating to the Customs."	Section 16.

SECOND SCHEDULE.

Section 2

Table of Import and Export Duties.

Articles Imported by Land or Sea.	Rate of Duty.
Spirits or strong waters of any strength, not exceeding the strength of proof by Sykes's hydrometer, and so in proportion for any greater or less strength than the strength of proof	10s. per gallon.
Spirits, cordials, liqueurs, or strong waters sweetened or mixed with any article so that the degree of strength cannot be ascertained by Sykes's hydrometer (including all alcohol diluted or undiluted with water or other menstruum, and containing in solution any essence, essential oil, ether, or other flavouring or other substance, whether of natural or artificial origin)	10s. per gallon.
Spirits, perfumed	10s. per gallon.
Wine, per gallon, in wood	3s.
.. or for six reputed quart bottles	3s.
.. or for twelve reputed pint bottles	3s.
Ale, porter, spruce and other beer, cider and perry, per gallon, in wood	6d.
.. or for six reputed quart bottles	6d.
.. or for twelve reputed pint bottles	6d.
Tobacco, manufactured	2s. per lb.
.. unmanufactured	1s. per lb.
.. sheep wash	3d. per lb.
Snuff	2s. per lb.
Cigars	5s. per lb.
Tea	3d. per lb.
Sugar and molasses	3s. per cwt.
Coffee and chicory, cocoa and chocolate	2d. per lb.
Opium (including all goods, wares, and merchandize mixed or saturated with opium, or with any preparation or solution thereof, or steeped therein respectively)	10s. per lb.
Rice	2s. per cwt.
Dried and preserved fruits and vegetables, nuts of all kinds (not including cocoa nuts), butter, cheese, candles, bacon, lard, hams, starch, soap, confectionery, biscuits, comfits, sweetmeats, succades, jams, macaroni, vermicelli, maizena, preserved meats and fish	1d. per lb. or package of that reputed weight.
Hops	2d. per lb.
Malt	6d. per bushel.
Salt	20s. per ton.
Vinegar	6d. per gallon.
Varnish	2s. per gallon.
Salted provisions, including fish not otherwise enumerated, and not caught from vessels owned in the colony	5s. per cwt.
Doors	1s. each.
Window sashes	1s. per pair.
Plate of gold	8s. per oz. troy.
Plate of silver	1s. per oz. troy.
Barley	3d. per bushel.
Oats	Ditto.

Articles Imported by Land or Sea.	Rate or Duty.
Millinery and all articles made up from fabrics of silk, or of silk mixed with other materials	5s. per cubic foot, measuring outside the package, or for any package less than one cubic foot.
Apparel and slops, and all articles made up wholly or in part from fabrics of wool, cotton, linen, or mixed materials (except corn or wool bags); boots or shoes, hosiery and gloves, hats, caps, and bonnets (untrimmed); saddles, harness, and leatherware ..	4s. per do. do
Watches, jewels and jewellery of all kinds; manufactures of silk or of mixed materials, of which the greater part is silk; musical instruments, carriages, glass and glassware, chinaware and porcelain, furniture, toys, and turnery, woodenware, brushware, and wickerware, earthenware, oilmen's stores not otherwise enumerated (except oils in bulk, tapioca, sago, arrowroot, spices, pepper, and ginger); woollen blankets and rugs	10 per cent. <i>ad valorem</i> .

Exemptions from Import Duties.

All goods, wares, and merchandize not included in the above Table of Imported Articles; gold and silver coin, passengers' baggage, cabin and other furniture or personal effects which have been in use and not imported for sale; carriages used in the conveyance of goods or passengers across the frontier; all packages in which goods are ordinarily imported; and all minor articles used in the making up of apparel of mixed or undescribed materials, shall be exempt from duty.

Articles Exported by Land or Sea.	Rate and Duration of Duty.
Gold, including gold in its natural state, whether mixed with any other substance or not; gold dust, and all other gold, except gold coin; watches, and articles of jewellery and plate.	1s. per oz. troy until December 31, 1866; 6d. per oz. troy from and after that date to December 31, 1867; and from and after December 31, 1867; the said duty shall cease and determine.

Inclosure 2 in No. 11.

Resolution of the Legislative Council.

Question—That, as this Bill purports to repeal all existing laws relative to duties of Customs, and to enact merely temporary provisions in their stead, and thus imperils the Civil List granted to Her Majesty by the Constitution Act; and moreover deals with the gold duty, which, though collected at the Custom-house, is substantially a part of the territorial and hereditary revenue of the Crown, and foreign to a Bill of Aid or Supply, and has always been separated therefrom in legislation; and as the preamble of the Bill is without precedent in this Colony, and implies that the constitutional disability of this House to originate or alter Bills for imposing a duty or return, is not the only difference between the powers of the two Houses in regard to such Bills, the said Bill be rejected—put and passed.

Inclosure 3 in No. 11.

Minute for his Excellency the Governor.

IN respectfully resigning into your Excellency's hands our offices as your Excellency's advisers under the Constitution of this Colony, we feel it to be due to your Excellency and the country that we should submit the reasons which constrain us to take a course which, under the actual circumstances of the present political situation, may appear to be extraordinary, and even inconsistent with the principles of Parliamentary Government.

We find ourselves unable to carry on the Government, although we have fifty-eight supporters in an Assembly consisting of seventy-eight members. Within two months of the last general election, followed by this result, we are compelled to announce that the Government and Assembly conjoined are powerless to pass the

measure in favour of which the country at large has so lately and so emphatically pronounced, and we consequently feel that the only alternative now before us is to recommend—which we are not prepared to do—either an abject submission upon the part of the Assembly to the paramount rule of the Legislative Council, in all subjects relating to the finances of the Colony, or to resign. We, therefore, take that course as the only one which, with a due regard to the independence of the Assembly and our credit, can be satisfactory to our constituents and the country.

Your Excellency is aware that the Tariff embodied in the Bill of Supply rejected by the Legislative Council on the evening of the 13th instant, after a few hours' discussion, has been before the country for upwards of twelve months; that this Tariff was twice passed by very large majorities in the late Assembly, and was twice rejected during the last session by the Legislative Council almost without discussion. Under these circumstances, we several months back expressed to your Excellency our willingness to resign our respective offices; but we were deterred from doing so by the fact that the constitution of the late Assembly made it apparent to your Excellency that no Ministry formed from the Opposition could carry on Her Majesty's Government in Victoria—a fact which was indeed frequently admitted in debate in the Council itself—and by the further consideration, that the leading members of the Council had also announced that were they only satisfied that the Colony at large was favourable to the Government policy, they were prepared to bow to public opinion and pass the Government measure. With this intimation frequently and in various ways communicated by the Council debates and through the Opposition portion of the press, and the Government having been frequently challenged to appeal to the country, we consented to do so, entertaining no doubt of the result, but anxious, by any reasonable course that could be indicated, to terminate, if possible, the unhappy conflict so long existing between the Council and the Assembly. A general election had taken place only some twelve months before the rejection of the Government Supply Bill by the Council, at which election the constituencies had very generally pronounced in favour of the policy which was afterwards embodied in that measure. Under these circumstances it certainly appeared to your Excellency's advisers to be unreasonable in itself, a great hardship to the Assembly, and a grievous injustice to the constituencies at large, that another general election should be so soon demanded at the instance of a Council which could not be dissolved itself, which could not be modified by increase of members, or otherwise, so as to admit of a constitutional solution of any pending difficulty whatsoever; and which, consequently, by a mere passive resistance, could and did dictate its own terms for avoiding the constitutional dead-lock which appeared to be imminent. The Government felt that the suggested dissolution was the only course which seemed likely to afford the means of terminating the contention between the two Chambers. So serious was the difficulty, so limited the resources of the Government and of the Assembly, under our present very imperfect and—in such crises as the present—almost unworkable Constitution, that we proposed to the Assembly its own dissolution; a proposition to which, almost without murmur, the Assembly acceded. The probably almost unexampled course was thus taken of a Parliamentary Government proposing to dissolve a deliberative body in which that Government, at the time of such proposed dissolution, possessed a working majority of nearly three to one; and the not less extraordinary spectacle was exhibited of this large majority consenting to dissolve itself, and to incur all the inconveniences and expenses of a general election, in the mere desire to escape from a constitutional difficulty, in the only constitutional manner which seemed open to them. Both Government and Assembly of course relied on the Council faithfully fulfilling the promises so frequently made by various of their leading members, to be guided by the decision of the country so soon as that decision should be ascertained.

Accordingly, as your Excellency is aware, your advisers having thus recommended the dissolution of the Assembly, went to the country mainly on two specific and distinct issues—one being the Tariff, for the most part, both in substance and form, as previously proposed and rejected; the other being a proposal for such reform of the Council as should bring it more into harmony with the Assembly and with public opinion. In order to exclude any misconception as to the nature or terms of the issues submitted, they were carefully and precisely stated in the Chief Secretary's published address to his constituents; and in every individual contest throughout the Colony, the decision of the constituencies, "aye" or "no," was sought for and obtained upon these precise propositions. The election closed with

58 Members returned expressly to carry out the Government policy, against 20 who were returned by the Opposition.

Your Excellency's advisers were thus at length encouraged to believe that the Government Supply Bill would now pass, and that, for the present at any rate, the conflict between the Chambers might be terminated. To further insure this result, your Excellency's advisers determined to send up, and did at the earliest possible period after the general election send up, the Supply Bill separate from the Appropriation Bill, and therefore no longer obnoxious to the objections urged on a former occasion,—in ignorance of the real nature of the proceeding,—to the effect that the subjects thus associated together in the same measure constituted "a tack." Your advisers also yielded to another objection, which in the last Parliament had been brought against the Ministerial measure, viz., the insertion of the clause which proposed to give, in accordance with British Parliamentary practice, the sanction of law to the resolutions of the Assembly from the date of their adoption, and to render abortive actions brought in the Supreme Court for the recovery of duties paid under the authority of such resolutions. The Preamble of the Supply Bill was also altered by the Government.

The Tariff, in a Bill thus modified (your Excellency's advisers relying on the Council's so frequently expressed intention to abide by the result of the appeal to the country), was, on the 6th instant, for the third time, sent up to the Council for their acceptance. It was then objected that the repeal of the gold duty was improperly contained in the measure; that the Preamble was still objectionable, although merely reciting the resolutions which the Assembly in every Session passes for granting and raising Supply; and finally, that the Bill, being only a temporary measure, yet repealed permanently the existing Customs duties.

Your Excellency's advisers regret that they are unable to understand that the above objections are more than mere pretexts put forward by the leading Members of a section of the Legislative Council to cover a foregone conclusion, to reject again, and under any circumstances, this measure, mainly because it emanated from the present Government. This belief, we submit, rests on very substantial grounds. The same Council which formerly objected to this Tariff as a protectionist measure, we find to be now condemning it as not sufficiently protective, and now proposing to place protective duties on agricultural produce. Different judgments have been pronounced on this Tariff, some holding it to savour of Protection, others expressing an opinion that it contains nothing inconsistent either with the principle or with the operations of Free Trade. The duties proposed to be levied under it are lower than those of most other British colonies, and, as a rule, do not exceed one-third of the rate of duties levied under the existing Canadian Tariff. Protectionist, however, or Free Trade in its character, the proposed Victorian Tariff, like every other workable Tariff, speaks unmistakeably for itself. It consists of quantities and figures, and its character remains the same, howsoever it may be described. Your Excellency's advisers must believe, therefore, that those Members of the Council who in the last Parliament condemned this same Tariff as a Protectionist one, honestly objected to it on that ground; but your Excellency's advisers are also constrained to add, that they are utterly unable to understand by what intellectual process the same men have now as honestly arrived at the conclusion that this Tariff is not, in its provisions, as protective as it ought to be. The only conclusion which reconciles and explains the contradictory action of the Council, in this respect, appears to your Excellency's Advisers to be this: that, in reality, the majority of the Council have been, from the beginning, utterly indifferent as to the character of the Tariff; that their opposition to it has only awkwardly masked a deeper policy; that that deeper policy aims at the resumption of the control of the Crown lands of the Colony, by means of the displacement of the present Ministry, but that such policy cannot be safely or prudently avowed, in the present temper of the Colony.

While holding this opinion, your Excellency's Advisers would by no means implicate the Legislative Council as a body, or even every member of the majority, in any formed and settled design to subordinate the general interests of the Colony to the mere self-seeking of a particular section of the community. But the small number of the Council, its peculiar composition, and its almost total exemption from accountability to the people, cause it to be easily influenced by any section of men who, whilst bringing their influence to bear, can and do yet conceal their ultimate purposes.

In conclusion, your Excellency's Advisers submit that, under the circumstances

above stated, the Council now accepts, in accordance with the principles of Parliamentary government, the responsibility of the political situation it has a second time exclusively provoked, and that a serious and conspicuous anomaly in our Constitution is nakedly exposed by the Council—an anomaly which must, some time or other, endanger representative institutions in this Colony. If one branch of the Legislature, on light grounds, and after only a few hours' discussion, commonly overrides the most carefully considered measures of the other, yet uniformly shrinks from administratively dealing with the consequences of its own acts, such a body comes to be regarded by the community at large as being competent only for obstruction and mischief. It would be a great public misfortune if such a belief should become permanently fixed in the public mind, for no institution in this Colony can long outlive the respect of the constituencies, composed as are those which make up the electoral roll of Victoria. Designedly disparaged as these constituencies have frequently been, there are now 73,000 ratepayers on an electoral roll of 111,000, and we need hardly remind your Excellency that there are few ratepayers here who occupy houses worth less than 15*l.* a-year; and that, of the 40,000 who are not returned as ratepayers, a very large proportion possess valuable interests on the various gold-fields of the Colony.

We trust we may stand excused by your Excellency for thus setting forth at large the circumstances and conditions under which we are compelled to resign the government of this Colony whilst enjoying the confidence and support of three-fourths of its newly-elected Legislative Assembly.

(Signed) JAMES McCULLOCH.

Chief Secretary's Office, March 15, 1866.

Inclosure 4 in No. 11.

Governor Sir C. Darling to the Hon. T. H. Fellows.

Government Offices, Melbourne, March 15, 1866.

THE Ministry having tendered to the Governor the resignation of their offices in consequence of the adoption by the Legislative Council of the amendment moved by Mr. Fellows on the 13th instant, the Governor requests to be informed whether Mr. Fellows is prepared to undertake the duty of forming a new Administration.

Inclosure 5 in No. 11.

The Hon. T. H. Fellows to Governor Sir C. Darling.

South Yarra, March 15, 1866.

MR. FELLOWS presents his duty to the Governor and begs to state that he will endeavour to comply with his Excellency's views, and hopes to be able to give a definite answer in the early part of next week.

Inclosure 6 in No. 11.

The Hon. T. H. Fellows to Governor Sir C. Darling.

Supreme Court, March 15, 1866.

MR. FELLOWS presents his duty to the Governor and begs to inform him that in the event of its being found impracticable to form a Ministry composed of gentlemen holding Protectionist opinions, he will endeavour to form an Administration.

Mr. Fellows, however, feels bound respectfully to suggest to his Excellency the propriety of communicating with some member of the Legislative Assembly with a view to the formation of a Government whose opinions will coincide with those of a majority of that House; the Legislative Council having already expressed its readiness to pass any protective Tariff.

Mr. Fellows presumes that his Excellency will impress upon his present advisers the necessity, which perhaps they may have overlooked, of pursuing the

course which is invariably taken on a change of Ministry, viz., of procuring and giving legal effect to a vote of the Legislative Assembly for defraying the expenses of Government until the elections shall have taken place.

Inclosure 7 in No. 11.

Governor Sir C. Darling to the Hon. T. H. Fellows.

Government Offices, Melbourne, March 15, 1866.

THE Governor presents his compliments to Mr. Fellows, and in reply to his note begs to say that he will leave it to Mr. Fellows to submit the names of any members, either of the Council or the Assembly, who, in his estimation, will form a Government whose opinions will coincide with those of a majority of the Legislative Assembly.

In the present position of the question, the Governor conceives that he cannot with propriety place himself in communication with any member of the Legislative Assembly for that purpose.

Inclosure 8 in No. 11.

The Hon. T. H. Fellows to Governor Sir C. Darling.

MR. FELLOWS has the honour to inform the Governor that he is prepared to submit the names of gentlemen willing to form a new Administration.

In making this communication to his Excellency, Mr. Fellows begs to recall the Governor's attention to the concluding paragraph of Mr. Fellows' first note of the 15th instant.

The subject of that paragraph appears to have escaped his Excellency's attention, and Mr. Fellows therefore begs respectfully to invite his Excellency's consideration of it. In no instance during the last two centuries has an Appropriation Act been refused by the House of Commons, even when a large majority of that House have been opposed to the Ministry.

Mr. Fellows is aware that the Governor cannot compel the passing of such an Act, but he, nevertheless, believes that upon the Governor's intimating to his present advisers that the legitimate practice in such cases ought to be adopted, the Legislative Assembly would provide for the public service until the elections to the seats vacated by the members of the new Administration shall have taken place.

But whether the Assembly would or would not make such provision, there cannot be the least doubt that it is the duty of the Ministers, for the time being, to ask for it. By omitting to do so they decline to exercise the proper functions of government, and it is difficult to see how under such circumstances a Ministry could be retained in office. According to the theory of the British constitution money may be withheld by the Commons, but it is not in accordance with either theory or practice that the Commons should not be asked for it.

The circumstances that the liabilities of an unusual character have been incurred in order to pay the salaries of the civil servants for the month of January, and that the salaries for the month of February are still in arrear (and suing for them would cause additional and unnecessary expenditure), render it incumbent on Mr. Fellows to point his Excellency's attention to the subject.

Mr. Fellows hopes that a desire to stand indifferent between the two Houses, and to aid neither of them in any attempt to fetter the free and constitutional action of the other, will induce the Governor to dissolve the Legislative Assembly in the event, which Mr. Fellows scarcely anticipates, of that House declining to follow the practice of the House of Commons and of all previous Legislative Assemblies, by making provision for defraying the expenses of government up to the expiration of the time which must necessarily elapse before the elections can be completed.

34, Temple Court, March 20, 1866.

Inclosure 9 in No. 11.

*Governor Sir C. Darling to the Hon. T. H. Fellows.**Toorak, March 21, 1866, 10 A.M.*

THE Governor begs to acknowledge Mr. Fellows' communication of yesterday's date (this moment received), and to assure him that the question to which it refers shall receive the Governor's best and immediate consideration.

Inclosure 10 in No. 11.

*Governor Sir C. Darling to the Hon. T. H. Fellows.**Toorak, March 22, 1866.*

THE Governor has fully considered the communication dated the 20th instant, with which he has been favoured by Mr. Fellows, and begs to say that he will be glad to receive the names of the gentlemen who are willing to form a new Administration.

The Governor understands the declaration of Mr. McCulloch and his colleagues, that they find themselves unable to "carry on the Government," to mean that they are in fact politically unable to ask for or obtain supplies from the Assembly in the present position of the unfortunate conflict between that House and the Legislative Council.

It appears, therefore, to the Governor that he could not, with any semblance of constitutional observance, invite those gentlemen to endeavour to accomplish for another Ministry an object which they consider they cannot effect for themselves.

The Governor doubts, moreover, whether in the parliamentary system of the mother country the direct intervention of the Sovereign is (as Mr. Fellows appears to suppose) ever avowedly exercised for such a purpose.

Nor can the Governor hesitate to express his opinion that the present Assembly, the result, it must be remembered, of the second general election which has taken place within the last eighteen months, faithfully represents, especially in regard to fiscal policy, the views and wishes of the majorities of the several constituencies throughout the Colony.

Holding this belief, the Governor is compelled to say that he would not consider the contingency suggested by Mr. Fellows a sufficient ground for accepting the advice of a Ministry to dissolve the Assembly at the present moment.

Inclosure 11 in No. 11.

Resolutions passed by the Legislative Assembly.

THAT the rejection, for the third time, of the Tariff, exhibits a total disregard of the opinion and wishes of the people of this Colony as expressed at the last general election.

2. That, inasmuch as such Tariff has been passed by large majorities of the Assembly, in two successive sessions of Parliament assembled, after two general elections, this House will withhold its confidence from any Administration which shall refuse or neglect to adopt forthwith the Bill of Supply embodying such Tariff as already submitted to the Council, and with which the rights and privileges of this Assembly are identified—Resumed.

Inclosure 12 in No. 11.

Minute by the Legislative Council.

THE attention of this House having been called to a document entitled "Minute for his Excellency the Governor," dated "Chief Secretary's Office, 15th March, 1866," and it appearing to this House that the Minute referred to not only

inaccurately states the action taken by the members of this House during the past and present session, but assigns most unworthy motives for their conduct, as well as reflects upon their honour, this House cannot allow a document containing such misrepresentations to pass unnoticed.

It is stated therein that "the Government and Assembly are powerless to pass the measures in favour of which the country at large so emphatically pronounced," and "that the only alternative before the Government is to recommend either an abject submission upon the part of the Assembly to the paramount rule of the Legislative Council in all subjects relating to the finances of the Colony, or to resign;" and "that the Tariff rejected by the Legislative Council on the 13th instant was twice passed by very large majorities in the late Assembly, and was twice rejected during the last session by the Legislative Council almost without discussion."

Nothing has been said or done in the Council to justify the charge that they have either exercised or assumed, or desired to exercise or assume, a paramount influence or control over the finances of the Colony; and although there is so much truth in the above statement as that the Bill containing the Tariff was rejected on the 13th instant, and twice during the last session, it is to be observed, that no opportunity has ever been afforded to the Council of considering upon its own merits the Tariff of duties imposed on articles of merchandise imported into the Colony; for it has, on each occasion of its being before them, been improperly associated with other matters, which in the ordinary course of Parliamentary practice should have been dealt with in separate Bills, and on each of those occasions the Bill contained a preamble assuming to the Legislative Assembly the exclusive power of granting supplies to Her Majesty, and thus encroaching on the privileges of this House, as conferred upon them by the Constitution Act, and it was upon that and other grounds, then stated, that the Bill in question has been three times rejected.

It is admitted on the part of the Legislative Council that statements have been made in this House, as set forth in the Minute, and such statements have been approved by the majority of this House, "that were they satisfied that the Colony at large was favourable to the Government policy, they were prepared to bow to public opinion;" but this House deny, and challenge proof of the assertion, that they ever expressed their willingness "to pass the Government measure," if by such designation be meant the Bill associating Supply with Appropriation, or with the territorial or Crown revenue.

The Minute states, "That, at the earliest possible period after the general election, the Government sent up the Supply Bill, separate from the Appropriation Bill, and therefore no longer obnoxious to the objections urged on a former occasion, in ignorance of the real nature of the proceeding, to the effect that the subjects thus associated together in the same measure constituted a tack." It omits, however, to state that the Supply Bill sent up was not separate from the Bill dealing with the gold duty, which is admitted by the Law Officers of the Crown, and even contended by one of them, to be in the nature of a royalty, nor free from the objectionable preamble of the Bill of last session, both of which were objected to as interfering with the privileges and independence of this House, but is insinuated that "it was then objected," as if for the first time, that the repeal of the gold duty was improperly contained in the measure; whereas, in point of fact, the objection was taken in July 1865, when the first Bill containing the Tariff was laid aside. It also alludes to another objection, urged to the Bill on its last rejection, inadvertently overlooked on the two previous occasions, that "the Bill being only a temporary measure yet repealed permanently the existing Customs duties;" and instead of justifying that course goes on to say that "they are unable to understand that the above objections are more than mere pretexts put forward by the leading members of a section of the Legislative Council to cover a foregone conclusion, to reject again, and under any circumstances, the measure because it emanated from the present Government."

The Legislative Council take this opportunity of denying that they were actuated by any such factious or dishonourable motives as those imputed to them. On the contrary, they were and still are, in deference to the opinions expressed at the late elections, willing to pass those portions of the measure dealing with supply, and with the gold duty, if sent to them in separate Bills and unaccompanied by the exceptionable features before objected to, viz. :—

1st. The preamble, which implies a greater disability on the part of the Council

in dealing with Supply Bills than that imposed upon them by the 56th section of the Constitution Act, and which has never been inserted in any Bill in this Colony previously to the last session; and

2ndly. The limiting of the operation of the Bill to three years, whereby a temporary Bill is made to contain a permanent clause (the repeal of all existing Customs Duties Acts), which is not only in contravention of the Queen's instructions to the Governor, but involves the possible absence of a Customs revenue at the end of that period, and thus imperils the Civil List secured to Her Majesty under the Constitution Act, and materially affects the value of the Government securities.

The Minute states that "the same Council which formerly objected to this Tariff as a Protectionist measure we find to be now condemning it as not sufficiently protective, and now proposing to place protective duties on agricultural produce," and further states, "Your Excellency's advisers are also constrained to add that they are utterly unable to understand by what intellectual process the same men have now as honestly arrived at the conclusion that this Tariff is not in its provisions as protective as it ought to be."

This House have always objected to the Ministerial Tariff as introducing Protective principles, and urged that the opinion of the constituencies should be elicited on the direct issue of protection *v.* free trade before abandoning the present Tariff; and since the general election, at which a very large proportion if not a decided majority of the electors have given their voice for protection, this House have, as they imagine, consistently conceded that if protection is to be introduced at all the agricultural produce of the country should certainly be amongst the articles to be protected.

The Legislative Council also emphatically deny that their opposition to the Tariff, as alleged in the above Minute, was intended "to mask a deeper policy," and they can only treat it as infatuation when they are told that "that deeper policy aims at the resumption of the control of the Crown lands of the Colony by means of the displacement of the present Ministry;" for they most unreservedly and distinctly assert that they have never entertained any such absurd idea, or been guilty of any such factious motives as, without any reasons assigned, are here attributed to them, either on that or any other subject.

The Legislative Council desire to enter their protest against the unwarrantable insinuations upon their actions and motives set forth in the above Minute, bearing the signature of the Chief Secretary, and to place on record this expression of their views, several times repeated, with regard to the policy of the Government just resigned, and the means employed by them to coerce this House to give that policy the sanction of law, *viz.* :—

That, although they differ from the Government and the Legislative Assembly as to the merits of the Customs measures introduced during the last and present sessions, yet out of respect for and in deference to the opinion of the majority of the electors lately expressed, they are willing to concur in any legislation that may be necessary for giving those opinions the force and operation of law, provided that the Bills for carrying out those objects are submitted to them in accordance with Parliamentary practice, as they have invariably been previously to the last session of Parliament.

That they have not sought and do not wish to unduly interfere with the financial arrangements of the country, but they have merely assented, as they trust they ever will, in justice to this honourable House and in the maintenance, as they believe, of the rights and privileges conferred as a trust upon them by the Constitution Act, which is the only charter possessed by this Colony for its self-government. They have co-ordinate power with the Legislative Assembly in all legislation, save only the initiation and alteration of Bills for appropriating any portion of the consolidated revenue, and for imposing any duty, rate, tax, rent, return, or impost, and that they have not, nor ever had, a desire to strain their power to reject a Money Bill, beyond its proper constitutional exercise.

The Honourable C. Sladen moved, That an address be presented to his Excellency the Governor, accompanied by a copy of this Minute, and requesting that, in the event of his Excellency deeming it his duty to forward to the Secretary of State the Minute signed by the Chief Secretary, he will be pleased to accompany it with a copy of this Minute.

Inclosure 13 in No. 11.

Minute by the Honourable the Treasurer.

IN the opinion of the Cabinet the appropriations created by the Constitution Act and by the Civil Service Act are not special appropriations in the sense in which that term has been usually employed. If there were no Legislature, the appropriations absolutely made by law would nevertheless hold good, but the appropriations created by the two Acts in question are qualified by conditions which must be fulfilled before the money conditionally appropriated can be actually applied.

It seems to be questioned whether the appropriations created by the Constitution Act of the expenses incident to the collection and management of the revenue be not qualified by the provisions of the Audit Act, with which they are not inconsistent, and in any case I apprehend the Constitution Act will not be so interpreted as to take from the Legislative Assembly its rightful control over the public expenditure. It is quite apparent that in the case of the appropriations created by the Civil Service Act the assent of the Legislative Assembly to the maximum and minimum rates for the classes into which the service is divided is a condition precedent, and as the number of persons employed is not specified in the Civil Service Act, it would still be necessary to obtain authority for that at least from the Legislative Assembly, with whom, according to the Civil Service Act, the control of the Civil Service rests.

GEO. V.

March 15, 1866.

 * Inclosure 14 in No. 11.
Minute for the Honourable the Treasurer.

I SHALL be glad to know whether the Cabinet concur in the view that the salaries of the public servants who come under the operation of the Civil Service Act, and of the officers employed in the collection of revenue, are sufficiently provided for by that Act, and the Constitution Act respectively, and whether I may inform the Secretary of State that those salaries will not be included in the Appropriation Bill for the current year.

(Signed) C. H. DARLING.

Government Offices, February 19, 1866.

 No. 12.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received May 14, 1866.)

(No. 36.)

(Answered, No. 58, May 25, 1866, page 52.)

Sir,

Government House, Melbourne, March 26, 1866.

I HAD just closed my despatch No. 33* by this mail, when I received from Mr. Fellows a communication, of which I beg to inclose a copy, stating that he must abandon the attempt to form a new Ministry unless I will consent again to dissolve the Assembly.

2. Mr. Fellows appears to forget that the task which was entrusted to him by me, and which he himself suggested as being possible of accomplishment, was that of forming a new Ministry upon the basis of coincidence of opinion with the existing Assembly.

I have, &c.
(Signed) C. H. DARLING

Inclosure in No. 12.

The Hon. T. H. Fellows to Governor Sir C. Darling.

March 24, 1866.

MR. FELLOWS presents his duty to the Governor and respectfully begs to state that owing to his Excellency's refusal to concede to him the power he asked for, the gentlemen who had agreed to associate themselves with Mr. Fellows in a new Administration are unwilling to proceed further in the matter.

Mr. Fellows feels a difficulty in understanding why the Governor should have refused to communicate with any member of the Legislative Assembly, and should, at the same time, have intrusted Mr. Fellows, as a member of the Legislative Council, with a task which it must have been manifest throughout he would be unable to accomplish unless the present Assembly should be dissolved, in the event of its refusing an Appropriation Act.

If the Governor "understands that Mr. McCulloch and his colleagues are unable to obtain supplies from the Assembly," and at the same time refuses to concede to Mr. Fellows the only constitutional means that exist of asking for them, Mr. Fellows is unable to see upon what principle or by what means the Governor proposes that the Government of the country shall be carried on; and with the utmost deference to the opinion of the Governor, he ventures to express his conviction that Mr. McCulloch and his colleagues, with their large majority in the Legislative Assembly, are not "unable to obtain supplies," but that they wilfully abstain from asking for them, and, as many believe, for the purpose of using the distress and inconvenience which are thus caused to Government contractors and public servants as an argument against the proceedings of the Legislative Council.

Mr. Fellows deems it unnecessary to enter upon the consideration of the question whether "the present Legislative Assembly faithfully represents, in regard to fiscal policy, the views and wishes of the majorities of the constituencies," but he would remind his Excellency of the fact which has already been communicated to him by the Legislative Council in an Address, that that House is quite willing to pass any Tariff that may be transmitted to it, provided it be not associated with subjects foreign to a Bill of Aid or Supply, or contained in a Bill which arrogates to the Legislative Assembly larger powers than are conferred by the Constitution Act, or repeals perpetual Acts and substitutes merely temporary provisions.

As the Legislative Council has thus expressed its willingness to give effect to what is apparently the public voice in regard to the imported articles upon which duties of Customs are to be levied, there is practically no difference between the two Houses "in regard to the fiscal policy," but only in regard to the form and contents of the Bill by which it is to be carried out. Mr. Fellows cannot suppose that his Excellency has forgotten the facts that the Legislative Council, during the last session, offered to refer the unfortunate dispute between the two Houses to the adjudication of Imperial authorities, and that the Legislative Assembly, acting under the advice of Mr. McCulloch, refused to concur in the reference. Mr. Fellows therefore can only consider the omission of the present Ministry to ask for supplies, and his Excellency's refusal to grant the necessary facilities to gentlemen willing to undertake the task of forming a new Ministry, as a means of coercing the Legislative Council for the purpose of depriving it of its proper status in the constitution.

Should the Governor think fit to reconsider his determination, Mr. Fellows, if so desired, will again enter upon the task which at present he reluctantly abandons.

DESPATCHES FROM THE SECRETARY OF STATE.

Despatches from the Secretary of State.

No. 1.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to the Officer Administering the Government of Victoria.

(No. 42.)

Sir,

Downing Street, April 20, 1866.

I HAVE the honour to acknowledge the receipt of Sir C. Darling's despatch No. 18* of the 22nd February, reporting the appointment of the Honourable Henry Miller as a member of the Ministry without Departmental office.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 2.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to the Officer Administering the Government of Victoria.

(No. 46.)

Sir,

Downing Street, April 25, 1866.

I HAVE to acknowledge the receipt of Sir C. Darling's despatch No. 20† of the 23rd February, forwarding copy of his speech on opening the Parliament of Victoria, the addresses in answer, and Sir C. Darling's replies.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 3.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to the Officer Administering the Government of Victoria.

(No. 47.)

Sir,

Downing Street, April 25, 1866.

I HAVE received Sir C. Darling's despatch of the 17th February last, No. 13,‡ relating to the part he had taken on the occasion of the differences which had arisen between the Legislative Council and the Assembly on the Tariff question.

The general questions raised by Sir C. Darling are, I think, anticipated in my previous despatches. Sir C. Darling will probably have left the Colony before this despatch reaches you, and I think it unnecessary to continue the discussion.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 4.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to the Officer Administering the Government of Victoria.

(No. 49.)

Sir,

Downing Street, April 26, 1866.

I HAVE to acknowledge the receipt of Sir Charles Darling's despatch No. 16§ of the 20th February last, commenting on the results of the general election in

* Page 16.

† Page 23.

‡ Page 1.

§ Page 14.

Victoria, and inclosing copies of the communications which he had addressed to the Treasurer and the Commissioner of Trade and Customs in regard to the payment of salaries and levying of duties without authority of law.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 5.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to the Officer Administering the Government of Victoria.

(No. 50.)

Sir,

Downing Street, April 26, 1866.

I HAVE to acknowledge the receipt of Sir Charles Darling's despatch No. 19,* of the 22nd February, in which he states that the Colonial Audit Commissioners have concurred with the Colonial Law Officers and himself in the view that the authority of an Appropriation Act is not required for the payment of certain salaries.

In respect to this statement it seems to be only necessary for me to repeat the instructions which I have given you in former despatches, to be guided by the advice of your Ministers unless any occasion should arise in which it was clear to your judgment that compliance would involve a violation of the law.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 6.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to the Officer Administering the Government of Victoria.

(No. 57.)

Sir,

Downing Street, May 24, 1866.

I HAVE the honour to acknowledge the receipt of Sir C. Darling's despatch No. 25† of the 20th of March, referring to certain letters addressed by an Association called the Free Trade League of Victoria to the editor of the London "Times," and remarking on the composition of that body.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 7.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to the Officer Administering the Government of Victoria.

(No. 58.)

Sir,

Downing Street, May 25, 1866.

I HAVE the honour to inform you that the Honourable H. Manners Sutton has arrived in this country from Trinidad, and will proceed by the next mail to Victoria, to assume the office of Governor to which he has been appointed.

I have to acknowledge the receipt of Sir Charles Darling's despatches noted in the margin,‡ from which it appears that he had commissioned Mr. Fellows to form a new Administration in consequence of the tendered resignation of the Ministry of Mr. McCulloch; but that just upon the departure of the mail Mr. Fellows had abandoned that attempt. It does not appear what course Sir C. Darling intended to pursue under the circumstances of the case, and as those circumstances will have ceased to furnish the guiding considerations for your conduct long before this despatch can reach you, I cannot usefully give you any specific directions, and must content myself with expressing my hope that you will have given your best support to any Ministers who may have appeared likely to be able to restore harmony between the two Houses of the Legislature, and to administer the Government according to the established law of the Colony.

* Page 16.

† Page 31.

‡ No. 23, March 2, page 28; No. 24, March 20, page 30; No. 33, March 24, page 34; No. 36, March 26, page 46.

Sir C. Darling has dwelt at great length on the three points on which I stated in my despatch of the 27th November, No. 107,* that he had departed from the principle of adherence to the law, and I think it necessary, therefore, to repeat, for your guidance during the interval, that, as regards the collection of Customs duties, it has not been my intention to object to the levying of Customs duties upon the authority of Resolutions of the Legislative Assembly alone whenever the usual expectation exists that those Resolutions will be confirmed by an Act of the entire Legislature speedily passed into law. Such an usage is reasonable and convenient, conformable to that of this country, and not likely to be disputed. It is a matter to be determined according to the circumstances of the time whether this reasonable expectation does or does not in fact exist. If it does, usage justifies the collection of the duties : if otherwise, not.

As regards the disbursement of public moneys, and the borrowing of a fund for that purpose, if your legal advisers, and the Commissioners of Audit, are satisfied that the payments which may be in question are authorized by the law, they will, of course, be discharged in the usual manner out of the regular public balances. But if it shall again be proposed to make any such payments in an exceptional manner, without the usual certificate, and out of a fund irregularly obtained in the way in which the fund at the London Chartered Bank of Australia was obtained, you will refuse your assent. It is evident that the creation of such a fund is illegal, and that all payments out of it are illegal also.

It has been my desire throughout the whole of this correspondence to insist upon the observance of the law of the Colony by the Queen's Representative, and to avoid giving any instructions which should influence his choice towards either of the two conflicting parties ; and I have more than once expressed the regret with which Her Majesty's Government would learn that any circumstances had placed him in antagonism with an existing Ministry appearing to enjoy the confidence of the existing Assembly. I think it right, therefore, to advert to two passages in the recent despatches of Sir C. Darling, in one of which he speaks of the opinions of his legal Advisers as being, after my despatch of November 27,* of no official weight or value ; and in another says that his Ministers ~~adverted~~ more particularly to the passage in which I expressed my confidence that "all honest and intelligent colonists would concur with me in thinking that the powers of the Crown ought never to be used to authorize or facilitate any act which might be required for an immediate political purpose, but was forbidden by law," as reflecting upon them. I wish you distinctly to understand, that while I have felt it to be my imperative duty to express clearly,—and I did so after obtaining the assistance of the Law Officers of the Crown,—what was the true and obvious legal bearing of the present case, I have had no intention of depriving of any portion of their just weight and value the opinions of your own legal Advisers in regard to questions which might subsequently arise ; and that in appealing to the public opinion of the Colony, to "the opinion of all honest and intelligent colonists," against any illegitimate use of the powers conferred upon the Governor by the Crown, I had, as Sir C. Darling seems justly to have suggested, no intention whatever of excluding from that number the Ministers from whose advice I was compelled in the particular instance, reluctantly, but most plainly and most explicitly, to express my dissent.

The presence of Mr. Manners Sutton in this country will afford him the opportunity of making himself thoroughly acquainted with all the circumstances of the case, so far as they are contained in the despatches of Sir C. Darling, and of applying to me for instructions on all points on which it may be necessary for him to ask for definite guidance from Her Majesty's Government. But in this, as in every case in which the working of representative institutions is in issue, the ultimate result must rest upon the forbearance, the judgment, and the public spirit of the inhabitants of the Colony,—and more especially upon the wisdom and temper of those by whom the deliberations of the Colony are guided.

I have, &c.
(Signed) EDWARD CARDWELL.

* Vide Papers presented March 1866, page 101.

Further Correspondence respecting the
Non-Enactment of the Appropriation
Act in Victoria : 1865.

(In continuation of Papers presented to Parliament
March 23, 1866.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. May 28, 1866.*

FURTHER CORRESPONDENCE

RESPECTING THE

NON-ENACTMENT

OF THE

APPROPRIATION ACT IN VICTORIA:

1865.

(In continuation of Papers presented to Parliament May 28,
1866.)

*Presented to both Houses of Parliament by Command of Her Majesty.
June 28, 1866.*

LONDON:
PRINTED BY HARRISON AND SONS.

SCHEDULE.

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DESPATCHES FROM THE GOVERNOR.

Despatches from the Governor.

No. 1.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received June 18, 1866.)

(No. 37.)

(Answered, No. 9, June 26, 1866, page 44.)

Sir,

Government House, Melbourne, April 6, 1866.

AS a Bill for establishing a new Tariff of import duties is once more about to be introduced into the Assembly, I have again given the best consideration in my power to the question whether there are any means which it is within my competency to adopt, by which effect can be given to your orders that the Government should not levy any Customs duties except those which are absolutely fixed by the consent actually given of the three branches of the Legislature.

2. There can, I think, be no doubt that the majority of the Assembly will insist upon following the practice which has been invariable in this Colony, which was adopted long before any disputes arose between the Council and Assembly upon points of privilege, and was in its origin based upon grounds of general expediency in relation to the interests of trade. In accordance with this practice the Bill sent up to the Council will no doubt be framed with the object of legalising the duties from the date of the Resolution of the House of Assembly legalising those duties.

3. If the Bill be passed by the Council, and assented to by the Representative of the Crown, the exaction of the duties from the date of that Resolution will be rendered legal; but, nevertheless, if they shall have not been already collected provisionally, or, in other words, as deposits to await the decision of Parliament, it will be practically impossible to recover them from the parties from whom they will be legally due.

4. On the other hand, it would appear that the 19th section of the Customs Act No. 13 provides that in such cases the old or "former duties" may not be demanded after the "new duties" shall "become chargeable," so that if the new duties ultimately become chargeable from the date of the Resolution of the Assembly, and yet shall not have been provisionally collected, and as the old duties, if collected, will in that case have been illegally collected, it will follow that between the two principles of action the Customs revenue for the period from the passing of the Resolution to the passing of the Act will have altogether lapsed.

5. I am far from thinking that this result is contemplated by the law; I am inclined rather to the belief, although I regret to say without the advantage of possessing legal knowledge or being accustomed to interpret the meaning of any but the plainest laws without professional advice, that the 19th section of the Act No. 13 distinctly anticipates the practice of making duties leviable from a date antecedent to that of the passing of the Act imposing them; while the subsequent sections 21 and 22 seem as clearly to recognize the principle of payments by way of deposit where doubts arise as to the duties to which goods may become legally subject.

6. I have respectfully to request that I may receive an authoritative decision as to the meaning and legal effect of the sections of the Act No. 13 to which I have referred, and it may be proper I should state that the actions against the Government last year in the matter of the Customs duties were not brought under the "Customs Act," but under the Statute No. 241 for the enforcement of claims

against the Crown, a proceeding which I am myself unable to reconcile with the final clause of the last mentioned Act, which declares that claims and demands brought under the Act shall be founded on and arise out of some contract entered into on behalf of Her Majesty or by the authority of her local Government:

I have, &c.
(Signed) C. H. DARLING.

No. 2.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received June 18, 1866.)

(No. 38.)

(Answered, No. 8, June 25, 1866, page 44.)

Sir,

Government House, Melbourne, April 10, 1866.

WITH reference to my despatch No. 36* of the 26th March, I have now the honour to transmit the copy of a communication which I addressed to Mr. Fellows in conclusion of my correspondence with that gentleman upon the subject of the formation of a new Ministry.

2. I also beg to forward copies of a memorandum which I sent to Mr. McCulloch and of a minute in reply which, after some consideration on their part, I received from that gentleman and his colleagues.

3. It seemed to me that I had no alternative but to consent to the provisional retention of their offices, which these gentlemen proposed for the purpose of making another effort to obtain a settlement of the dispute between the two Houses of the Legislature on the subject of supply; until which settlement, the Ministers expressed a confident opinion that the Assembly could not be induced to make any appropriation of the revenue.

4. They stated to me at the same time, that there was reason to believe that if another opportunity were afforded, many Members of the Council were inclined to suggest a conference between the two Houses, out of which it was possible that some termination of the difference between them might yet be evolved.

5. In accordance with this view, an attempt was made by the Ministry to reintroduce the Tariff Bill into the Assembly with some trifling alteration as to dates, but this proposal met with opposition, and it was ruled by the Speaker that the Bill was not sufficiently altered to constitute it a new Bill, and that it could not therefore, under the standing orders of the Assembly, be received.

6. Notice was also given in the Council of a motion (copy inclosed) to appoint a Committee to confer with a Committee of the Assembly, and take into consideration the difference existing between the Houses with reference to the Bills of Supply. This motion was brought forward on the 4th instant, but withdrawn, and notice given that it would be moved on the 11th instant. So far as I can gather from the discussion as reported in the newspapers, the opposition to proceeding with the motion was founded upon a desire expressed by Members of the Council to be previously informed as to the course the Assembly proposed to take with respect to the Supply Bill.

7. Under these circumstances I was, on the 5th instant, requested by my Ministers to prorogue the Parliament to Wednesday next the 11th instant, the day to which the Council adjourned in order to afford the opportunity of introducing a Tariff Bill; and I have now to report that, having consented to meet their wish, I have this day issued a Proclamation proroguing the Parliament accordingly.

I have, &c.
(Signed) C. H. DARLING.

Inclosure 1 in No. 2.

Governor Sir C. Darling to Mr. Fellows.

THE Governor has to acknowledge the receipt of Mr. Fellows' communication of the 24th instant.

The Governor believes that, upon reference to his note of the 15th instant, the

* Vide Papers presented May 28, 1866, page 46.

constitutional ground upon which he was led to inquire whether Mr. Fellows was prepared to form a new Administration will be sufficiently apparent.

The task which was subsequently entrusted to Mr. Fellows, upon his own suggestion that it might be found possible of accomplishment, was that of forming an Administration based upon the principle of *coincidence of opinion with the majority of the Assembly*.

The Governor assumed that if such an Administration could be brought together under Mr. Fellows' auspices, either by a compromise of views upon some points or upon any other basis of general agreement, it would probably include Mr. Fellows, and perhaps other members of the Legislative Council; and the Governor believed that an Administration so composed would have a fair prospect of obtaining supplies, and of being enabled otherwise to conduct effectively the business of the country.

But the Governor is not surprised to find that in the present state of parties, which he is confident would not be altered by a dissolution of the Assembly at the present moment, the effort to induce the united action as a Ministry of influential members of both Houses has proved unsuccessful.

The Governor will only further observe that he is persuaded that if the views of the constituencies upon the questions which now agitate the country shall at any time cease to be fairly represented by the majority of the Assembly, the Governor will not long be left in doubt upon the subject in a community where public opinion finds such ready and frequent expression.

Toorak, March 26, 1866.

Inclosure 2 in No. 2.

Governor Sir C. Darling to Mr. McCulloch.

THE Governor begs to put Mr. McCulloch in possession of the correspondence which has taken place between Mr. Fellows and the Governor, by a perusal of which Mr. McCulloch will understand the difficulties which obstruct the formation of an Administration under Mr. Fellows' auspices.

Under the circumstances and in the present position of parties, the Governor must express his opinion that either Mr. McCulloch's Ministry should remain in office or that Mr. McCulloch should endeavour to construct a new Ministry, or that he should indicate to the Governor some member of the Assembly by whom it is probable that that task may be achieved.

Whichever of these courses may be pursued the Governor hopes that the difficulty of bringing to a conclusion the questions now at issue between the two Houses may be diminished by the fact that since Mr. McCulloch and his colleagues tendered their resignation, the Legislative Council have by a minute (herewith inclosed) adopted by that House, and officially presented to the Governor, explicitly declared their readiness to pass those portions of the measure sent up to them by the Assembly, which fix the rates at which it is intended that the duties of import and export shall be charged under the proposed Tariff.

An agreement having thus been accomplished in respect to the substantial object contended for, the difference upon the other points adverted to by the Council is rendered comparatively unimportant, and may, the Governor trusts, be adjusted without much difficulty if approached on either side in that spirit of forbearance and concession which the true interests of the community so imperatively call for at the present moment.

(Signed) C. H. DARLING.

Inclosure 3 in No. 2.

Minute for his Excellency the Governor.

THE Advisers of his Excellency the Governor have the honour to acknowledge the receipt of his Excellency's Minute dated the 26th instant, together with the correspondence which has passed between his Excellency and Mr. Fellows, from which it appears that Mr. Fellows has abandoned the duty of forming a Government, with which he was charged in accordance with constitutional usage.

The opinion which his Excellency expresses as to the course which the Chie
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Secretary should pursue has been most anxiously considered by the Cabinet, and, in order that the view they take of the position of public affairs may be fully understood it seems to them to be essential that no misapprehension should be allowed to exist as to the true nature of the dispute between the Houses.

After all the discussion which has taken place, both within and without the walls of Parliament, it is difficult to understand how any mistake can be made as to the terms of the contention which the Council and the Assembly have been maintaining for the last twelve months.

It appears, nevertheless, from the proceedings of the Legislative Council, that the more important part of the first and principal question submitted to the country at the last election is entirely ignored. For the Legislative Council has formally declared that "out of respect for, and in deference to the opinions of the majority electors lately expressed, they are willing to concur in any legislation that may be necessary for giving those opinions the force and operation of law," while at the same time they assume that the only question submitted to the constituencies was as to certain "Customs measures introduced during the last and present sessions of Parliament." Now the fact is, that while the proposed alteration of the Tariff has been and is a most important subject, it has been subordinated by common consent to a far higher consideration.

The fiscal policy of the country was determined at the general election of 1864. In 1865 the higher question as to the control of the public finances was submitted to the constituencies; for the people were then distinctly asked if they were willing that the right and power of taxation, involved in the rejection of the Tariff, should remain with their representatives, or be given up to a body nominally representative, but really irresponsible. In proof of this statement his Excellency's Advisers desire to call his Excellency's attention to the following extract from the address of the Chief Secretary to the electors of Mornington at the late election, an address which was published in all parts of the colony, and which was intended to define, so far as the Government could define, the issues upon which the people were asked to express an opinion at the general election :

"The rejection, by the Legislative Council, of the financial measures of the year submitted by the Government and passed by large majorities in the Assembly, has raised the question as to whether the right of taxation is to be in the Legislative Assembly, by whom the people is represented,—or whether it is to be handed over to the Legislative Council, which represents only a small section of the community. * * * * *

The constituencies are now asked to decide whether the right of taxation is vested solely in that branch of the Legislature which represents all classes of the community, including the constituents of the Council; whether taxation and representation are to go together; whether the people, through their representatives, are to tax themselves, or are to submit to the dictation of the other branch of the Legislature, in whose election they have no voice, and over whose actions they have no control. If there is to be taxation either without representation, or with a nominal representation without real responsibility, it is for the people at the ensuing election to say so.

"I am well aware that the question of constitutional law which has been raised cannot be determined by the constituencies at the general election. Nor is it necessary that it should be so determined. A theoretical question of the same nature has long been in controversy between the House of Lords and the House of Commons in the mother country, and is still undecided; but the constitutional practice has been fixed, and the rights of the House of Commons have been in fact acknowledged for upwards of two hundred years. It is competent for the constituencies of Victoria, in like manner, to determine at this election what the constitutional practice in regard to measures of taxation and finance ought to be, and what it shall hereafter be in this country. If the general body of the people, including the constituents of the Legislative Council, desire that their representatives in the Legislative Assembly should possess the same rights in all matters of taxation and finance that the representatives of the English people in the House of Commons in practice enjoy; if they approve of the course taken by the Legislative Assembly and by the Government, during the last session, in vindication of those rights; and if they are willing to arm their representatives and the Government with authority to do all that may be necessary in the ensuing Parliament, for the purpose of establishing those rights on a secure basis, they will elect members who will support the Government in again proposing at the meeting of Parliament, to give the form

of law, without change or alteration, to the Tariff, which has been already twice adopted by the Legislative Assembly, and rejected by the Legislative Council. In order that this election may not be barren of results, it is of the utmost importance that its issues should be few in number, definite, distinct, and incapable of being either misunderstood or misrepresented. The first and by far the most mighty of these issues is that which I have above indicated. * * * *

The reform of the Council will constitute the second issue at the forthcoming election, and I trust that upon this question the constituencies will be equally explicit. If the selection of members is made to turn on these two issues—the Government Tariff (identified as it now is with the rights of the Legislative Assembly) and the reform of the Council—there can be no doubt that the disputes, waste of time, and damage to the public interests which have taken place during the last year will be hereafter prevented.”

It thus appears that it was not upon the Tariff alone, or chiefly, that the people spoke so plainly at the last election. That question had been virtually determined the year before. But it was to maintain the principle that taxation and representation should go together that fifty-eight members were sent into the Assembly against the twenty who thought otherwise.

In all the discussions which have taken place on the subject, the advocates of the course taken by the Council, and members of the Council themselves, have constantly urged two considerations in support of their proceedings, namely:—

1st. That the Assembly is committing an act of aggression to which the Council is offering merely passive resistance; and,

2ndly. That they do not wish to interfere unduly with the financial arrangements of the country.

It is important to consider how far the action of the Council is consistent with these assertions.

The Supply Bill has been rejected for three reasons, stated by the Council as follows:—

1st. Because the preamble implies a greater disability on the part of the Council in dealing with Supply Bills than that imposed upon them by the Constitution Act, and because it has not been usual to insert it in the form in which it now appears;

2ndly. Because the repeal of the export duty on gold is included; and,

3rdly. Because the operation of the Bill is limited to three years, and the Civil List secured to Her Majesty is thereby imperilled.

In reference to the first of these objections, it should be observed that the preamble merely recites certain facts, namely, that the Legislative Assembly resolved, upon a certain day, that a supply be granted to Her Majesty, and that towards raising the Supply so granted certain duties of Customs should be charged. If the objection of the Council be merely that the form is unusual, it may be answered that the circumstances which require it are unusual; and further that a legislative body is entitled to frame the preambles of its measures as it pleases, provided that they contain nothing offensive or untrue. There can be nothing offensive in a mere statement of facts, and it must therefore be to the *procedure*, of which the preamble is a brief account, that the Council object.

Now, the procedure is prescribed by the Standing Orders of the Assembly, made pursuant to the Constitution Act, and which have been regularly observed since July 1857, when they were adopted. The Standing Orders were framed by a Committee consisting of the Speaker, the Chairman of Committees (Mr. Aspinall), Mr. O'Shanassy, Mr. Griffith, Mr. Duffy, Mr. Palmer, Mr. Horne, Sir William Stawell, Mr. McCulloch, Mr. Childers, Mr. Ebdon, and Mr. Foster, and were founded upon the practice of the House of Commons. The Council, therefore, in objecting to the proceedings which the preamble recites object to the Standing Orders of the Assembly, which have been observed for nearly ten years, by all Governments, in every Parliament, without a word of objection from the Legislative Council, or any one on their behalf.

It cannot be supposed that the Council has been ignorant for so long a time of the practice of the Assembly, and in the absence of any objection heretofore it may be fairly presumed that the Council assented to it. But it is now for the first time said that the Standing Orders are *ultra vires*; that they “imply a greater disability on the part of the Council in dealing with Supply Bills than that imposed on them by the 56th section of the Constitution Act.”

It is submitted that the provision of the Constitution Act, which requires that

the proceedings of the Parliament should conform with the practice of the House of Commons until Standing Orders should be made, indicates the intention of the Legislature that the English practice might be permanently adopted. Moreover, the framers of the Standing Orders were the principal authors of the Constitution Act; and to show conclusively that the Council concurred with the Assembly in the adoption of the practice of the House of Commons, it is sufficient to say that the provision for returning the Appropriation Bill to the custody of the Speaker—by which the peculiar authority of the Assembly, in relation to supply, is most significantly asserted—*actually originated with the Legislative Council.*

The objection urged by the Council against the preamble amounts simply to this, that the validity of the Standing Orders of the Assembly is assailed, and instead of passively resisting aggression, the Council now seek to force the Assembly to change the practice it has observed for years, and to abandon the right it has uniformly exercised of granting supplies.

It is contended on behalf of the Assembly, that this right is conferred by the Constitution Act upon that body which can alone originate Money Bills; that the term “grant” cannot be properly applied to a Chamber which cannot initiate or alter such measures; and that in seeking to share with the Assembly the right of *granting* supplies, the Council claim much more than the right of rejection to which they are limited by law. The *consent* of the Council to all aids to the Crown has never been denied, and is expressly recognised in the preamble.

In the next place the Council object to the Bill because it contains a provision for abolishing the export duty on gold. The true nature of this objection is, that it is in substance a tack. The tacking of provisions foreign to a matter of supply has been always objected to by the House of Lords, on the ground that by uniting a subject upon which they could exercise a discretion, with another upon which by constitutional usage they have none, they are deprived of their right of dealing with an ordinary subject of legislation.

If this be a correct definition, how can the objection of the Council be supported seeing that they have expressly declared that they are equally willing to pass the Tariff and the repeal of the export duty on gold if presented in separate Bills? It is not then a substantial objection, but one merely of form. Is the objection good as a matter of form? In the minute of the Council the authority of the Law Officers of the Crown is claimed in support of it; but the minute, while it truly alleges that in the opinion of the Law Officers the duty on gold is of the nature of a rent, ignores the fact that even though it be a rent, it is classed by the Constitution Act with duties and other imposts which the Council can only accept or reject, and that this was urged by the Minister of Justice, who cited the case of the Australian Waste Lands Bill to show that (so far as relates to the power of alteration by the Council) the nature of an impost is determined by its destination, and that, inasmuch as the export duty on gold comes into the consolidated revenue of the colony, the Council are precluded from dealing with it as an ordinary subject of legislation. It should be mentioned, moreover, that the export duty on gold is styled a “duty of Customs” in the Act which enacts it; that it is, in fact, a duty collected at the Custom-house, and that it has been regarded at all times as a duty of Customs for all purposes whatsoever.

Thirdly. The Council object to the Supply Bill because, being a temporary measure, it repeals permanent laws. If this objection mean anything it means this—that the Legislative Assembly cannot be trusted to protect the public interests and maintain the public credit. Is it just to presume that the Assembly will be less careful of either than the Council? Is it to be supposed that the Assembly will fail to provide, before the Act expires, an adequate Customs revenue to meet the financial engagements of the colony, and provide for the maintenance of the public service? All this must be presumed to support the objection of the Council on this head, unless indeed it be admitted that the Council claim the right of exercising a control over financial legislation co-ordinate with that of the Assembly, and therefore in excess of that which the Constitution Act confers. There is too much reason to fear that all the objections urged by the Council against the Bill of Supply are in this direction. The successive rejection of this and former Bills is merely an indirect way of altering them contrary to the letter and spirit of the Constitution, while the proposal made to his Excellency by the Council, that it would be expedient to impose a duty on wheat, was in effect an attempt to initiate financial legislation.

It appears, therefore, to his Excellency's Advisers that the Assembly is merely maintaining the rights and privileges which it has always enjoyed, and that the

objections of the Council to the Supply Bill evince a desire on the part of that body to change the various forms and practices imposed by the Standing Orders made in accordance with the Constitution Act, and with the procedure of the House of Commons—forms and practices which have been deliberately adopted and employed to symbolize that real authority over the public finances which the representatives of the people cannot abandon.

The views of the Cabinet have been set forth thus largely because his Excellency's Advisers are profoundly impressed with the gravity of the occasion, and with the great responsibility which his Excellency considers it necessary to request them to resume in the conduct of public affairs.

His Excellency considers that the Ministry should remain in office, or that the Cabinet should be reconstructed, or that the Chief Secretary should indicate some Member of the Assembly by whom the task of forming a new administration may be achieved. All these alternatives seem to be dependent upon the same condition, namely, that the majority of the Legislative Assembly shall approve of the course which may be proposed by the Government. For it cannot be too clearly understood that although his Excellency's present Advisers have naturally and properly been foremost in the maintenance of the rights of the Assembly, it is really the Assembly itself, irrespective of the constitution of any Government which is contending with the Council, and not only so, but that if the Assembly were dissolved, the people would elect another to maintain the same position. The first duty of the Government is therefore to consider the position of the Assembly and the strong public opinion it represents. If his Excellency's Advisers can resume the active performance of their official duties consistently with the fulfilment of the high trust reposed in them by the people, they will gladly aid his Excellency to the utmost of their ability in carrying on the Government. His Excellency's Advisers desire to indulge the hope that the Legislative Council, having found that it has been unable to fulfil the pledge given by some of its leading Members of a readiness to accept the constitutional responsibility cast upon it by its rejection of the Bill of Supply, will now be sensible of the duty of making such concessions as may render the continuance of Government according to law possible. They are most anxious that the ordinary course of public business should be resumed, and they desire now to assure his Excellency that whether by continuing to administer the Government or by leaving it to others that object can be most surely and speedily attained, they are willing either to resume their offices, or to finally abandon them, as may seem to his Excellency most conducive to the public interest, but they trust that his Excellency will be pleased to consider to what a great extent the settlement of the differences between the Houses rests with the Legislative Council.

If it be deemed expedient that the Supply Bill shall be re-submitted, his Excellency's Advisers are prepared to ask the Legislative Assembly to give the Legislative Council an opportunity of reconsidering it, and they beg that his Excellency will permit them to postpone their decision as to the resumption of their ordinary official duties until the constitutional question between the Houses shall have been determined.

Inclosure 4 in No. 2.

Proposed Conference.

THE Hon. A. Fraser moved—

“That seven members of this House be appointed to meet and confer with a like number of members of the Legislative Assembly, to take into consideration the differences now existing between the two branches of the Legislature with reference to Bills of Supply.”

No. 3.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received June 18.)

(No. 40.)

(Answered, No. 4, January 28, 1866, page 43.)

Sir,

Government House, Melbourne, April 12, 1866.

REFERRING to previous Despatches upon the same subject, I have now the honour to transmit, for your perusal, the copy of a Memorandum from the Commissioners of Audit in reply to an inquiry from me as to the grounds upon which they had certified that money was legally available for the repayment of certain amounts paid on deposit for Customs duties not ultimately legalized.

2. Even if this opinion should not be regarded as conclusive with respect to the legality of the established practice in this Colony, it is surely sufficient to show that I could, as the Governor of the Colony, have no plea for interfering with the Commissioner of Trade and Customs until peremptorily directed by Her Majesty's Government to take that course.

I have, &c.

(Signed)

C. H. DARLING.

Inclosure in No. 3.

Minute from the Commissioners of Audit to his Excellency the Governor.

WE beg respectfully to state that our grounds for certifying the "Warrant" as prepared by the Honourable the Treasurer, are that the moneys are not part of the Consolidated Revenue, and it is only the Consolidated Revenue which, by the 44th section of the Constitution Act, requires an appropriation to make it legally available. That the moneys are not permanently part of the Consolidated Revenue is to be gleaned from the 43rd section of the Constitution Act, which gives power to the "Legislature" to impose duties of Customs, while these duties were levied on the the Resolutions of the Legislative Assembly only.

As to the law of the case, we prefer always, if possible, to be guided by the opinion of the Law Officers; but we have considered it clear that the Resolutions of the Legislative Assembly gave full authority for the collection of these duties; and that if the Bill had passed they would have become *ex post facto* the duties imposed by the Legislature; but the Customs Bill having failed, the duties do not now belong to the Consolidated Revenue, but to the parties who paid them.

They come, therefore, under the same category as moneys paid into and out of the "Trust Fund;" and so far as statute law is involved, they might be justified by the sections 19, 20, and 21 of the Audit Act Amendment.

But we need scarcely observe that, in such a matter (the Legislative Assembly having authorized the collection of the duties outside of the statute law), it is not to be expected that the statute law will afford an answer to his Excellency's question which would be entirely conclusive to all minds. We have, however, no doubt that the law and practice of Parliament, as evidenced by the Text Book of May, 425 and 426, edition 1855, and the precedents created here by the Legislative Assembly during the last eleven years, do, with the Audit Act, make this money legally available for issue.

(Signed)

E. SYMONDS,

A. J. AGG,

*Commissioners of Audit.**Audit Office, April 11, 1866.*

No. 4.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received June 18.)

(No. 41.)

(Answered, No. 8, June 25, 1866, page 44.)

Sir,

Government House, Melbourne, April 18, 1866.

I HAVE had the honour to receive your Despatch No. 25* of the 26th February last, acquainting me that Her Majesty the Queen had, upon your advice, deter-

* Vide Papers presented March 1866, page 108.

mined to relieve me of my duties as her Representative in Victoria, and intimating at the same time your wish that I should, as soon as my convenience will admit of my leaving the Colony, transfer its Government to the hands of General Carey.

With a deep sense of the gracious favour which I have received from Her Majesty during the long period of more than eighteen years, in which I have enjoyed the high honour of being Her Majesty's Representative in several of the possessions of her Crown, I now bow respectfully to her commands as signified through you, and I beg to acquaint you that I shall lose as little time as circumstances will permit in meeting the desire you express for my early departure from these shores.

It is, however, a duty which I owe to my public character, and to the estimation in which that character is held by a large circle of official and personal friends, that I should enter my respectful but unhesitating protest against the validity of the grounds which you have assigned for the advice you have tendered to the Queen.

You inform me that I have been relieved of my office of Governor of this great and important Colony upon the ground (and as I understand upon that ground alone) that I occupy a position "of personal antagonism towards almost all those whose antecedents point them out as most likely to be available to me in any change of Ministry," and you appeal to me for my own concurrence in the opinion thus expressed, to which appeal I must at once beg to give a negative reply.

You proceed to observe, "This has resulted, as I think, entirely from your own acts, your adoption of a course of conduct which cannot be justified in law, and your strong denunciation (in which I am totally unable to concur) of those who have objected to that course."

The acts and course of conduct thus referred to consist, if I do not misapprehend your Despatch, in the alleged failure on my part to "interpose with all the weight of my authority when my Ministers continued to levy Customs duties notwithstanding the adverse decision of the Court," and in not "withholding my personal co-operation in the scheme of borrowing money in a manner unauthorized by law."

From a Despatch which will have reached you since you announced to me the step upon which you had resolved, you will learn that the Customs duties were not, as you assume, levied after the adverse decision of the Supreme Court, the Judgment of the Court having been obtained upon the 8th December last, and duly entered up and recorded on the 13th of that month, while the collection of the duties ceased upon the 21st November immediately preceding.

By subsequent Despatches you will also have been informed that the process of law by which you conceive that the creditors of the Government might have recovered their just debts, and that therefore the suspension of public payments did not constitute such an "overwhelming emergency" as to justify the contraction of a loan, was not practically available for that purpose (as I myself believed and was informed by the Law Officers after a consideration of the question) in the very cases in which it was most desirable that it should be applied, and that therefore the emergency existed in full force.

You can hardly fail, Sir, to see that all the circumstances attending that proceeding, of which you are already in possession, did in truth constitute it, as you have admitted in a former despatch, a measure which I had found myself "called upon by my Responsible Ministers, with the concurrence of the Legislative Assembly" (or as it might be more correctly stated, which I had been myself requested by an Address of the Legislative Assembly), to "adopt for the purpose of overcoming an immediate difficulty which was in its nature questionable, but which in the opinion of my legal Advisers is within the letter of the law."

You will, moreover, have become aware by my Report of the circumstances attending the recent resignation of Mr. McCulloch and his colleagues, and my application to Mr. Fellows to form a new Administration, that your apprehension that the "personal antagonism" assumed to exist between the Executive Councillors who petitioned Her Majesty and myself, is wholly without foundation; and that whatever degree of "doubt and distrust" the conduct of Mr. Fellows and the other petitioners towards me, not in petitioning Her Majesty (their right to take that step never having been questioned by me), but in pursuing the underhand course described in the 56th and following paragraphs of my Despatch No. 152,* might have justly created, I did not permit those sentiments to interfere with the discharge of my primary duty to uphold the broad principles of Responsible Government.

The course which I took upon that occasion prevented me, even if so disposed, from ever pleading past occurrences in justification of a refusal to accept the services, as my Responsible Advisers, of any of the gentlemen referred to.

From this fact springs the inevitable conclusion, that the single reason you have alleged for advising Her Majesty to remove me thus prematurely from one of the highest and by far the most lucrative office in the colonial service, is proved to be entirely baseless.

I know not indeed upon what authority it has been assumed that the antecedents of almost all the twenty-two Executive Councillors who petitioned Her Majesty are such as to render those gentlemen most likely to be available to me in any change of Ministry. I certainly, with some considerable local knowledge, entertain the opinion that that probability attaches to very few of them.

There are other points to which, in justice to myself, I am now obliged to refer.

When you dictated the Despatch recalling me from my office, you were unacquainted with the real facts and circumstances of my position; and you were unaware of the result of that appeal to the people respecting which, but four weeks before the date of that Despatch, you wrote thus, viz.: "I hope that the result of an appeal to the people will be conformable with your intention in proposing that course to your Ministers, and will enable the two branches of the Legislature to arrive at a common course of action."

The precipitancy with which your decision was arrived at has occasioned my removal from my office at the very moment when, as a direct consequence of my personal proceedings and suggestions, that much-desired object of attaining a "common course of action" was accomplished.

In my Minute to my Ministers which is inclosed with my despatch No. 38* of the 10th of April, I observed that the Legislative Council had officially apprised me, through the Minute which they had presented to me for transmission to you, that they were ready to adopt the rates of duty proposed by the new Tariff; and I added:—

"An agreement having thus been accomplished in respect to the substantial object contended for, the difference upon the other points adverted to by the Council is rendered comparatively unimportant, and may, the Governor trusts, be adjusted without much difficulty, if approached on either side in that spirit of forbearance and concession which the true interests of the community so imperatively call for at the present moment."

In order to carry out these views, the Ministers resumed office provisionally, and by their advice I consented to prorogue the Parliament for the purpose of affording an opportunity for a conference between the two Houses.

Upon the very day on which I received your Despatch announcing my removal from this Government, the desired conference was held; the "spirit of forbearance and concession" was strongly manifested, and the result was that, two days afterwards, I gave the Royal Assent, not only to the Tariff Act, which has so long been the occasion of contention, but also to an Appropriation Act legalizing the expenditure of last year, which had been temporarily met by loans; and providing also for the debts and obligations already incurred on account of the current year, both Acts having passed the two Houses without a division. I may add, as applicable to one of the points in respect to which you have affirmed that I acted without sanction of law, that this last expenditure has been authorized by the Council, even before the estimates have passed the Assembly.

This long-vexed question, which was considered by both Chambers to involve important points of privilege, having been settled after such a protracted struggle, and the present Ministry possessing, as they undoubtedly do, the confidence of fully two-thirds of the second Assembly, elected within a period of fifteen months, there was a fair and reasonable prospect that the rest of my administration might have run its course, comparatively undisturbed by political strife.

I sincerely trust, for the sake of my successor, that a prospect so fortunate for the Colony, and so agreeable to its Governor, may be fully realized.

For myself, however, you will not be surprised to learn that in retiring from Her Majesty's Colonial service, I take with me a deep and poignant sense of the unjust and cruel decision by which that retirement has been produced.

Of the two allegations of conduct on my part, said to have occasioned that position of antagonism whereon the necessity for my recall is made to rest, one, I may again observe, is absolutely without foundation in fact; the other, in its least

favourable aspect, amounts to this, viz., that I acted upon a view assumed to be erroneous, of the legality of borrowing money for the purpose of meeting the pressing obligations of the Government, into which, if it be erroneous, I was misled by the advice of Law Officers of good reputation in their profession, and whose opinions on important controverted questions have in several instances proved to be perfectly correct; and if under all the circumstances my conduct did in truth amount to an error, it was surely one that I might reasonably expect would have been dealt with in the spirit indicated by the late lamented Prime Minister, Lord Palmerston, when he declared that "it is not enough to support the Representative of the Crown when we are satisfied that he is right; even if we believe that he took an unwise course we will not desert him so long as we are satisfied that he acted honestly and with a conscientious desire to do his duty to the country."

There is nothing in my public character or conduct to warrant the imputation that I have acted in any of the cases to which reference has been made in this despatch otherwise than honestly and conscientiously, and yet you have so visited my proceedings in these cases as to have inflicted upon me an irreparable wrong—a wrong without its parallel in Colonial history during the last forty years over which my memory extends, and involving a pecuniary injury of the heaviest kind, both immediately and in its remoter consequences.

For this wrong and for this injury I hope, after I shall have returned to England, to obtain adequate redress (if by no readier mode) through the medium, and as I hope with the concurrence of Her Majesty's Government, of a Committee of the House of Commons,* by whom the whole history of my administration as Her Majesty's Representative in Victoria may be thoroughly investigated.

I must beg leave entirely to deny that in expressing to you fully and unreservedly my opinion of what I deemed the treacherous and un-English conduct towards me of the twenty-two Executive Councillors, I did more than submit my own views upon the point to your superior authority. I never hinted at an intention, under any circumstances, of proceeding beyond suspension, although I possess by my commission the power of removal from office. Equally must I repudiate the idea that by any act of mine you were placed in the position of having to determine whether I should continue to represent the Queen in Victoria. That question could not, I think, fairly arise until I had shown that a spirit of doubt and distrust (in itself perhaps the best safeguard which the head of a Responsible Government, himself subject to superior authority, could have) had led me to reject the services of any of the gentlemen referred to, when the observance of constitutional principle would require me to accept those services. It might as well be said, that because your recent decisions would lead me to distrust and doubt my present Advisers I may therefore be expected to act unfairly and unconstitutionally towards them, by seeking an opportunity of removing them from office.

I have not been unmindful of my first duty to keep myself "as far as possible aloof from and above all personal conflicts."

I have not been in personal conflict with any inhabitant of the Colony; I go further and say, that I have not given to any inhabitant cause to regard me otherwise than with personal respect.

I have hitherto been in a position to act freely with all those whom the course of Parliamentary proceedings might present to me as my Confidential Advisers. I have proved, so far as circumstances have afforded me an opportunity of proving, that this is the case.

The Colony knows, and I believe none of its inhabitants think otherwise, that I am able and willing to give to new Advisers, whoever they may be, fair and just support.

I am totally unable to understand in what way you can be considered to have lightened the painful consequences, as you consider them to be, of the answer which you returned to the Address of the Legislative Council.

I must think that the remarks which your previous Despatches contain were, on the contrary, for the most part characterized by a severity which can only be explained by their having been dictated under a defective knowledge of the facts.

I look in vain through those Despatches for what I can possibly regard as an adequate justification of the course you have pursued towards a high public officer and approved servant of the Crown; and all that I have asserted in my own defence I am prepared to establish to the satisfaction of any tribunal before which I may be afforded an opportunity of explaining my public conduct.

I beg to inclose the copy of a Memorandum which I drew up some time since, and which I consider to present a correct statement of the facts relating to the controversy between the two Houses now happily brought to a close.

As the news of my recall, or as it was appropriately designated my "dismissal," was received by telegram, dated in London the 20th March, before your Despatch announcing it was put into my hands, I may assume that the Despatches in the case up to the end of February have been laid before Parliament; and if this be so, I have to express my earnest hope that all subsequent Despatches up to this inclusive may receive similar publicity.

It is not unsuited to the occasion upon which this Despatch is written that I should accompany it with copies of letters which I received from your Predecessor, the late Duke of Newcastle. not long before my appointment to this Government, and of addresses which I have received from the authorities and inhabitants of all the other Colonies in which I have had the honour to represent Her Majesty.

I have, &c.

(Signed) C. H. DARLING.

P.S.—I beg to inclose the copy of a Minute with which I have this day communicated your Despatch No. 25 to my Advisers.

C. H. D.

Inclosure 1 in No. 4.

Memorandum.

THE facts attending the late conflict between the Council and Assembly of Victoria and the proceedings of the Government consequent thereon are briefly these.

A general election, upon the expiration of the late Parliament, took place in 1864. The opinion of the constituencies was considered by the Ministry to be expressed strongly in favour of revising the Tariff of Customs Duties upon the principle of reducing the import duties on tea and sugars and the export duty on gold, and substituting for these reductions other duties principally upon made-up goods of all descriptions, popularly called soft goods, but admitting the manufactured material, cloth, cotton, linen, leather, &c., duty free. The object of this was stated to be to encourage "native industry," or in other words to induce the employment in trades of the youth of the country. Soon after the Tariff was introduced into the Assembly, where it was supported by a large majority, although much opposed by the merchants out of doors, it became evident that it was very likely to be rejected in the Legislative Council. In hopes of preventing this, the Assembly on the proposal of the Ministry, who were in fact the expositors of the views of the majority, determined to unite the Tariff with the usual Appropriation Bill, and it therefore did not go up to the Council until the close of the session was supposed to be approaching. This proceeding is justified in the Assembly by the well-known case of the repeal of "the Paper Duties Bill" in 1861, and the course pursued by Mr. Gladstone and the British Ministry on that occasion. The Council determined to resist this pressure, but instead of rejecting the Bill sent up from the Assembly passed a resolution laying it "aside," but declaring that they were ready to consider both the measures, viz., the usual Appropriation Bill and the Tariff, when sent up as separate measures. The Council did not, therefore, on this occasion finally reject the Tariff. The Assembly then passed a resolution, declaring that they would send up no other Appropriation Bill until the Council recognised their claim to regulate the taxation of the colony by passing the Tariff. These proceedings took place in July. The resolutions on which the new Tariff is founded had been adopted in February; and, pursuant to the usual practice at home and in many colonies, in conformity too, with three distinct precedents within the last eight years in this colony (the most recent being in 1862, when new and higher duties were thus collected for five months), the new scale of duties was put into operation, subject of course to the duties being returned in the event of the tariff not becoming law.

Communications were then interchanged between the two Houses without any good result, until in November the Council declared that they intended the "laying aside" of the Bill as a final disposal of it. The Assembly immediately sent up the Tariff in a separate Bill and the Council rejected it. The duties ceased to be collected the next day, and have been ordered to be refunded in most cases.

The cases in which the refund is delayed are these, viz.:—When the Council laid aside the Bill in July, certain merchants were advised to bring actions for the recovery of the duties they had already paid in deposit. A judgment which, *as to the facts*, affirmed that the duties were not leviable under the sanction of law, was given by the Supreme Court. It involved points of law, and these were not decided on by the Court and final judgment entered up until December, a month after the duties had altogether ceased to be collected.

There has been, therefore, no defiance of the Supreme Court by continuing to collect the duties after its final judgment was pronounced. But besides this, the Law Officers and the local Cabinet were of opinion that as the judgment of the Supreme Court touched upon the privileges which the Assembly claimed, they should be appealed to the Lords of the Privy Council. Steps are taken for this purpose: but the parties by whom these actions are brought have been informed that if they will pay all the costs hitherto incurred the appeal will be dropped.

In bringing these actions, originally, there can be little doubt that the parties hoped to get a final judgment in their favour before the Tariff question should be decided in the Legislature; and thus even should the Tariff *become law* they would have succeeded in obtaining a decision of the Court under which they might claim to have the duties refunded. So much in regard to the duties.

With regard to the loan, the case is this:—

Up to the time that the Council laid aside the Tariff-cum-Appropriation Bill, the public expenditure had been provided for by Acts concurred in by the three branches of the Legislature, passed from time to time, and sanctioning the issue from the consolidated revenue of the necessary sums; the expenditure, that is to say, the several *services, recipients, and amounts*, being fixed by the *estimates* which had passed the Assembly in the early part of the year.

The Appropriation Bill, which was conjoined with the Tariff, and included the amount required for the public service for the rest of the year, having been only laid aside, and the Assembly not recognising this proceeding as a rejection, that body would not send up another Bill.

In the absence of the Appropriation or another Bill sanctioning the application of money, the Auditors would not certify that money was “legally available” for the public service, and it therefore, could not be drawn from the banks, where, according to law, it is deposited as collected.

With the exception of the Governor's and Judges' salaries, and a few other items, the whole service of Government, including police, gaols, troops, asylums, contracts for provisions, and of every other description, which had been entered into *as usual* at the beginning of the year, upon the faith of the Estimates, was thus left unprovided for, to the annual amount of little under two millions, which had been regularly distributed at the beginning of every month, in a country where advances can only be obtained at an enormous charge, by way of premium.

For one month these payments were stopped. The Governor tried in vain by Message to reconcile the Houses. The prospect of being unable to pay for a second month approached. The Assembly addressed the Governor, requesting him to take measures for maintaining the public credit and the efficiency of the Civil Service, and assured him they would support the Government, affirming that the Council had laid aside the Bill without message or communication to them.

After considering and discussing more than one expedient which was rendered impossible by the refusal of most of the banks, who are under the influence of the leading merchants and Legislative Councillors opposed to the Tariff, to co-operate, one bank agreed to make such advances as the Government required, upon condition that they should be promptly repaid.

This repayment was effected under a local law for facilitating the recovery of debts against the Crown, by the Attorney-General confessing judgment for the amount of the successive loans. Upon the certificate of the proper officer of the court being presented, the Auditors certified that money was “legally available” for payment of the amount. The payments were strictly limited to *liabilities* of the Government, and did not include any new grants provided for by the Appropriation Bill.

Immediately after this plan was adopted the Assembly passed another address, which the whole House presented to the Governor, thanking him for the steps he had taken and approving of the scheme.

The Council had twice publicly, by resolution and address, declared their readiness to pass the Appropriation Bill as it had come from the Assembly; and

the Crown Law Officers advised the Governor in writing that it was within the legal competency of Government to contract for the loan of money to meet the liabilities of Government, in the same way that it had always been considered competent to them to make contracts for supplies or other purposes of Government upon the strength of the *Estimates alone*, which passed the Assembly at an early period of the session, while the Appropriation Bill rarely becomes *law* until nearly the close of the year. Such contracts, have, in fact, been recognised by the Supreme Court.

The view which from various causes the Governor was led to take of the opinions held by the constituencies, convinced him that the difficulty would not be solved by a dismissal of the Ministry and an appeal to the country. But when the Council finally rejected the Tariff, and the Assembly, adhering to their resolution, would not, as the Governor was informed, send up another Appropriation Bill, a dissolution was resolved on, and the result has been that the new Assembly contains, according to popular opinion, a majority of fifty-eight in support of the Ministry and their past policy and proceedings, in a House consisting of seventy-eight members.

No doubt money has been issued to pay the public debts without the sanction of the Legislative Council, formally given by passing the Appropriation Act. This step, taken with the concurrence of the Ministry and the Assembly, is the head and front of the Governor's offending.

Inclosure 2 in No. 4.

Letters and Addresses received by Sir C. Darling.

Sir, *Downing Street, May 24, 1862.*
I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 14th instant, requesting that the abstract which you inclose of your services under the Crown may be placed on the records of this Department.

His Grace desires me to assure you that he has pleasure in being thus enabled to place upon record, in a summary but authentic shape, a specification of the arduous, important, and approved services which you have rendered to the Crown.

I am, &c.
(Signed) C. FORTESCUE.

Governor Darling,
&c. &c. &c.

Sir, *Downing Street, July 30, 1862.*
I HAVE the honour to acquaint you that the Queen has been graciously pleased to confer on you the distinction of a Knight Commander of the Civil Division of the Order of the Bath.

I trust that this mark of the Royal approbation will be acceptable to you. It has given me much satisfaction to recommend to Her Majesty that your long and effective public services should be thus distinguished.

I have, &c.
(Signed) NEWCASTLE.

C. H. Darling, K.C.B.,
&c. &c. &c.

At a meeting of members of the Council and House of Assembly, held the 18th day of November, 1847, in Saint Iago de la Vega, the following Address to Charles Henry Darling, Esquire, was unanimously agreed to:—

Sir,
We, the Undersigned, members of Her Majesty's Council and the House of Assembly of Jamaica, on the eve of your departure to assume the Government of St. Lucia, cannot refuse ourselves the gratification of offering to you our warm congratulations.

In selecting you to fill that office, we are assured Her Majesty's Ministers have made an appointment which will prove satisfactory, and beneficial to those over whom you are about to preside. The ability with which you have discharged your public duties in this island have entitled you to our highest respect, while, in the circles of private society, your courteous and affable demeanour will be long held in

pleasing remembrance. Most heartily do we wish you every success in the new and honourable field upon which you are entering, and sincerely shall we rejoice to hear of your own and your family's well-being and happiness wheresoever Her Majesty's service may hereafter call you.

Members of Her Majesty's Council.

J. Gayleard, *President*.
J. Rowe, *C. J.*
T. J. Bernard.
W. D. Turner.

Edward Panton.
Dn. Robertson.
Alexander Bravo.

Members of the House of Assembly.

S. J. Dallas, *Speaker*.
A. Banlay.
Edwd. Chas. Nevat.
Saml. Magnus.
R. Osborn.
A. Gregory Johnston.
Charles Lake.
H. Ma. Blagrougn.
P. Laurence.
Wm. Wemyss Anderson.
Wm. M. Marsh.
P. Harrison.
H. J. Swnginnetti.
Wm. Rose.
J. S. Brown.

James Taylor.
Hinton Spalding.
Baynes W. Smith.
Charles H. Jackson.
Edwd. Fidyarg.
J. Davidson.
Geo. W. Gordon.
Edward Jordon.
D. Hart.
John Aris.
John Forster, Jr.
J. V. Purrier.
R. J. C. Hitchins.
Henry Franklin.
Robt. C. Carr.

To his Excellency C. H. Darling, Esquire, Lieutenant-Governor of the Island of Saint Lucia.

The humble Address of the undersigned inhabitants of the Island of Saint Lucia.

May it please your Excellency,

An opportunity is afforded to the inhabitants of this colony, which we, the undersigned, gladly embrace, of expressing our feelings and sentiments towards your Excellency for the able and enlightened manner in which your Excellency has administered the affairs of this Crown Colony since it pleased our Gracious Sovereign to appoint you our Lieutenant-Governor. After a residence of about three years and a half, conducting the arduous and important administrative duties of your office, it has pleased Her Gracious Majesty to grant your request, and allow you a leave of absence from the Colony, to enjoy a respite from the cares and anxieties of Government.

It would perhaps be difficult to point out a period since the island became a British colony, in which sound judgment and discretion, practical experience in West India and colonial affairs, and an intimate acquaintance with official duties and forms of every kind were more needed than during the eventual one your Excellency has resided among us as local head of the Executive; and we esteem it at once a bounden duty and sincere pleasure to seize the present occasion of conveying to you the high sense we entertain of the efficient manner in which your Excellency has discharged those duties, and displayed those high qualities and virtues, which have been pre-eminently called forth during your administration.

In the limits usually prescribed to an address, it would be impossible to enter fully into the various topics we allude to, as having engaged and incessantly required your Excellency's watchful and unremitting attention; we can but glance at some of the most prominent of them.

When your Excellency landed on our shores you found this community greatly excited and disturbed on the termination of an inquiry, just then concluded, into the misunderstanding which had long existed between one of our late military Governors and the late Chief Justice; and your Excellency laboured, and not in vain, to allay this excitement, and restore harmony and good-will.

Your Excellency had not long been in the colony before the extensive pecula-

tions so long and so systematically carried on in the Treasury Department were brought to light, and the discovery at once deprived your Excellency of the official services of one whose long experience, in his double capacity of Colonial Secretary and Treasurer, ought to have been of most essential service to you, and would have been a most serious deficiency had not your Excellency been able to fall back upon your own practical experience in such matters; and the manner in which your Excellency conducted this most painful and tedious investigation, and thoroughly sifted it, has excited our most sincere gratitude and admiration. The corruption, confusion, and total disorganization which were thereby discovered to prevail in both the Departments of the Colonial Treasurer and Secretary then obtained your Excellency's immediate attention, and led to an entire cleansing and re-modelling.

Many improvements have likewise been introduced into our Courts of Justice, with your Excellency's full approval and encouragement, in the minor as well as in the Supreme Court; but perhaps the most important and beneficial has been the acquisition of the talent and experience of His Honour Sir R. B. Clarke, to administer justice in our Supreme Criminal Court, as well as to preside over our newly constituted Court of Appeal in civil affairs, which measure your Excellency zealously advocated.

To your Excellency's persevering exertions, also, the community is mainly indebted for the important step made towards self-government and liberal institutions in the Corporation Ordinance under which the Town Council of Castries has been already organized, and has commenced active operations.

The solicitude which your Excellency has invariably manifested to promote the interests of the Colony, by means of emigration, is appreciated by all.

The anxiety and comprehensive view displayed by your Excellency in your attempts to restore confidence in the minds of British capitalists, by setting forth the inexhaustible natural resources of our soil, and to revive the drooping spirits of the agricultural portion of the community under the pressure of most trying circumstances, have called forth our esteem and highest approbation.

Neither have the all-important concerns of religion been neglected; your Excellency has procured the passing of a law to secure the better observance of the Sabbath, while both by precept and example you have ever sought to advance its interests. The promotion of education has also ever been zealously recommended and encouraged by you.

The introduction of a better system of agriculture, aided by improved implements and recent discoveries of science, has been repeatedly brought under the consideration of the agricultural portion of the community by your Excellency in various ways and pressed upon their attention, which efforts we trust will not fail to enkindle a spirit of enterprise which will prove eminently conducive to the general prosperity of the Colony.

In short, your Excellency leaves this Colony, as it regards its tranquillity and prospects, in a state very different from that in which you found it; and the recollection of the important benefits derived from your Excellency's administration cannot fail to live long and gratefully on our remembrance, since we cannot but feel that this salutary change has been mainly brought about by the experience, sound judgment, energy, and love of justice, which your Excellency has brought to bear upon all the branches of your administration.

We take leave of your Excellency with the hope and anxious desire to have you restored to us again in renewed health and vigour; and it is our sincere desire and prayer that your contemplated visit to England may be beneficial to you in every way. And should any event occur to deprive this community of the benefit of your future administration, we assure your Excellency we shall still take a deep interest in your welfare, wherever it may please Providence that your future lot shall be cast.

Castries, St. Lucia, June 25, 1851.

(Signed)

N. M. CLAVIES, M.D., *Proprietor.*
(And 76 others.)

Address to his Honour Charles Henry Darling, Esq., Lieutenant-Governor of the Colony of the Cape of Good Hope.

The following is the Address of the Legislative Council to his Honour the Lieutenant-Governor, with his Honour's reply :—

To his Honour Charles Henry Darling, Esq., Lieutenant-Governor of the Colony of the Cape of Good Hope.

May it please your Honour,

The Legislative Council in Parliament assembled, in acknowledging your Honour's message, announcing the appointment by Her Gracious Majesty of Sir George Grey, K.C.B., as the Governor of this colony, take the opportunity of expressing to your Honour their sense of the ability, integrity, and independence which have marked your Honour's administration of the affairs of this widely-extended colony, since the period when you first assumed its Government.

In congratulating your Honour on the establishment of a constitutional form of Government in this colony, we may be permitted to express our belief that the harmony which has hitherto existed between the several branches of the Legislature may be traced to the judicious course of policy pursued by your Honour, of whose anxiety to carry out the liberal form of Government conceded to the colony in all its integrity we bear willing testimony.

The Legislative Council have noticed with much satisfaction that Her Gracious Majesty has been pleased to recognize your Honour's services in this and other of Her Dependencies, by appointing your Honour to a high office in another portion of Her Majesty's Dominions.

In retiring from the Government of this colony, involving as it does high responsibility, bearing on the welfare of various classes and races of men, your Honour will carry with you the esteem and respect of those whose interests have been confided to your charge.

Anticipating the period when your Honour's official connexion with this colony will cease, the members of the Legislative Council desire to record their cordial wishes for the health, welfare, and prosperity of Mrs. Darling, yourself, and family, wherever, under the guidance of a beneficent Providence, your lot may be cast.

Address to his Honour Charles Henry Darling, Esq., Lieutenant-Governor of the Colony of the Cape of Good Hope.

On Monday, according to resolution, the Speaker and the House of Assembly, waited upon his Honour the Lieutenant-Governor, and presented the following Address :—

To his Honour Charles Henry Darling, Esq., Lieutenant-Governor of the Colony of the Cape of Good Hope.

May it please your Honour,

The House of Assembly, in Parliament assembled, begs leave to acknowledge your Honour's message, transmitting a despatch of Her Majesty's Secretary of State, dated 6th July, 1854, announcing the appointing of Sir George Grey, K.C.B., as future Governor of this colony, and the consequent recall of your Honour from the administration of Government.

The House of Assembly regrets your removal from amongst us will take place too soon to permit you to see the perfect development of the new form of government which it was your pleasing duty to inaugurate.

Yet it must be a source of profound satisfaction that your Honour has witnessed the foundation and successful commencement of a system of free and constitutional Government of which your Honour has been the sincere friend and steady advocate.

The House of Assembly desires respectfully to express its acknowledgment of the able, independent, and conciliatory policy pursued by your Honour since you held office in this colony, and its sense of the warm interest you have taken in the prosperity of the settlement.

The House of Assembly rejoices to believe that you retire carrying with you the respect and esteem of the inhabitants of the colony, and it will afford the House

pleasure to learn that your meritorious services have met with their just recognition by our gracious Sovereign.

Addresses to his Excellency Governor Darling.

Newfoundland, April 1857.

On Saturday last a deputation waited on his Excellency Mr. Darling, to present the Address of the inhabitants of this city prior to his Excellency's departure. His Excellency was attended on the occasion by the Honourable Colonel Robert Law and Staff, and the Executive Council. The deputation was composed of the following gentlemen :—

Honourables G. H. Emerson, Dr. Carson, T. Row, P. Duggan, John Fox; A. Shea, Esq., Speaker of the Assembly; Walter Grieve, Esq., President of the Chamber of Commerce; John Macgregor, Patrick Tasker, Stephen Rendell, John Bond, Patrick Morris, M.H.A., E. D. Shea, M.H.A., G. J. Hogsett, M.H.A., Clement Benning, M.H.A., Terence Halern, Robert Kent, Pierce Feehan, John Stuart, William Coyell, Charles Power, Patrick Brazil, William Cody, Esquires.

The Address was presented by the Honourable the Speaker, who explained that it was written before the intelligence had been received of the abandonment of the Convention by Her Majesty's Government. He said that in the promptitude with which the desires of the people of the Colony had thus been met, the Deputation recognized the influence of his Excellency's faithful representations of the opinion of the country on that most important subject; and that while this course so fully accorded with their views they were gratified to find it had also deservedly obtained for his Excellency the marked approval of Her Majesty's Government. Had the information been received earlier the Deputation were assured the sentiments here expressed would have been embodied in the Address.

To his Excellency Charles Henry Darling, Esquire, Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

May it please your Excellency,

We, the undersigned inhabitants of St. John's, on the eve of your Excellency's departure from amongst us, beg to tender our best wishes for your future prosperity.

During your Excellency's administration of the Government of this Colony, we have observed not only the ability and high integrity of your conduct, but the earnest wish you have at all times shown to advance the interests of the people at large; nor can we refrain from thanking you for having informed Her Majesty's Government that the feeling of the people of this Colony on the subject of the late Convention is one of common hostility to its provisions; and we feel that while this truthful representation of our views is calculated to assist the efforts the Colony is now making to defeat that measure, it at the same time tends to an issue the most conservative of the honour and integrity of the British Crown.

We trust that in the more exalted sphere which Her Majesty has assigned you for the exercise of your abilities, you may find a residence in accord with your best wishes; and in bidding you farewell, be assured that Mrs. Darling and yourself carry with you our warmest desires for your future happiness.

St. John's, Newfoundland, April 1857.

(Signed)

† JOHN T. MULLOCK, *Catholic Bishop of St. John's.*

(And 803 others.)

The following Addresses from the Executive Council and from the inhabitants of Harbour Grace were also presented on Saturday last,—the latter by deputation, consisting of the Hon. T. H. Ridley and John Hayward, Esq., M.G.A. :—

To His Excellency Charles Henry Darling, Esquire, Governor and Commander-in-chief and Vice-Admiral in and over the Island of Newfoundland and its Dependencies.

May it please your Excellency,

The Executive Council of Newfoundland are desirous of conveying to your Excellency, on the eve of your departure, their opinion of your integrity and ability

in the discharge of the difficult and important duties, requiring the exercise of no ordinary tact and judgment, which have devolved upon you since you assumed the government of this Colony.

Owing to the confidential relation in which we have stood to you, we are the better enabled to bear testimony to your services, and, as an act of justice, we therefore point with pleasure to the moral courage and political sagacity which marked your conduct in the inauguration of Responsible Government in this island, and your cordial co-operation in the practical application of its principles, and in the general management of the public affairs, as well as to the lively interest you have always evinced in the prosperity of all classes of Her Majesty's faithful subjects in this most valuable dependency of the Crown.

The public are deeply indebted to you for your vigorous and truthful representations, not only of our opinions, but of the efforts of the Legislature and of the country generally against the late Fishery Convention; and it is a subject of mutual congratulation that you have been enabled, in terminating your connection with this Colony, to announce the abandonment of the Convention by the Imperial Government, and to give an unequivocal guarantee of the "maritime and territorial rights" of the community of Newfoundland.

In conclusion, we trust that success may attend you in your new office of Governor-General of Jamaica, and that you and your amiable and accomplished lady may find the change agreeable to your desires and conducive to your happiness.

On behalf of the Executive Council,

(Signed)

LAWRENCE O'BRIEN, *President.*

Council Chamber, April 18, 1857.

To His Excellency Charles Henry Darling, Esq., Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c., &c.

May it please your Excellency,

We, the undersigned inhabitants of the district of Harbour Grace, in the island of Newfoundland, having heard of your Excellency's intended departure from amongst us, beg leave to convey to you the assurance of our sincere wishes for your future happiness and prosperity.

We beg to express the high sense we entertain of the talent and ability with which your Excellency has, since the commencement of your administration, conducted the government of this Colony, and of the hearty desire you have always evinced for the welfare and advancement of all classes of the inhabitants.

We thank your Excellency for the faithful representation made by you to Her Majesty's Government of the evil and ruinous effects that would result, should the contemplated Convention with France be finally confirmed; and we ardently hope that your remonstrances, in conjunction with the exertions now being made by the people of this Colony, will, in the end, frustrate the unjust attempt to alienate the rights and privileges of those who have ever been loyal and faithful subjects of the Crown of Great Britain.

We sincerely hope that your Excellency may enjoy health and prosperity in your new and more exalted position; and we now beg to bid you farewell, and to assure you that Mrs. Darling, your family, and yourself carry with you our warmest wishes for your future happiness.

Harbour Grace, April 8, 1857.

(Signed)

BERTRAM JONES, *Minister of St. Paul's Church.*

(And 201 others.)

The following Address from the inhabitants of Carbonear was presented by the Honourable E. Hanrahan (member of Assembly for that district), and the Honourable the Speaker:—

To his Excellency Charles Henry Darling, Esq., Governor and Commander-in-chief in and over the Island of Newfoundland and its dependencies.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the clergy, magistrates, merchants, traders, and principal inhabitants of Carbonear, beg leave to approach your Excellency with sentiments of profound respect, gratitude, and affection on this occasion—your almost immediate departure from Newfoundland—to offer to your Excellency our heartfelt acknowledgments for the paternal care and solicitude which have been so clearly manifested in your Excellency's administration of the Government of this Colony during the two years which we have had the good fortune of having been made participators in the important advantages derived to the inhabitants of Newfoundland, from the light of your Excellency's experience and knowledge in the arduous service of Government. Were it not for the momentous subject of the Fishery Convention, which had threatened so much ruin to the inhabitants of Newfoundland before the recent announcement of its final frustration, we should scarcely know what part of your Excellency's Government to refer to as claiming our warmest admiration—the whole was so unremittingly and so admirably carried out; but we cannot forbear to point in particular at the consummate address and wisdom displayed by your Excellency on the instant of your arrival in the Colony, when a new form of government had to be established under circumstances which a masterly mind only could have accomplished with satisfaction to all parties.

Your Excellency's invaluable services in contributing to the defeat of the Fishery Convention—services approved of even by the Imperial Government—must ever insure to your Excellency the gratitude of every human being possessing at heart an interest in the well-being and prosperity of Newfoundland.

We feel at this moment but one drawback from the exultation which would otherwise wholly pervade our breasts, and this is the consciousness that our relative connection which we have hitherto been so proud of has arrived at its termination. We earnestly regret our loss; but we rejoice at the compliment paid by the Sovereign to your Excellency's superior qualifications, by transferring your valuable services to the important Government of Jamaica.

We sincerely wish your Excellency and Mrs. Darling and family every temporal and eternal felicity, and respectfully bid your Excellency farewell.

We have, &c.

(Signed) † JOHN DALTON.
(With 235 others.)

Carbonear, April 16, 1857.

The subjoined Address from members of the Legislative Council resident in St. John's was also presented to his Excellency:—

To his Excellency Charles Henry Darling, Esq., Governor and Commander-in-chief in and over the Island of Newfoundland and its dependencies.

May it please your Excellency,

We, the undersigned members of the Legislative Council of Newfoundland, in acknowledgment of the eminent services you have rendered to the Colony, as well as of the urbanity shown by your Excellency towards us on all occasions of your intercourse with us, are desirous of obtaining an oil portrait of your Excellency, with a view to its being placed in the Legislative Council Chamber.

We therefore respectfully request that your Excellency will, as soon as you conveniently can, on your arrival in London, do us the favour to have your full-length portrait taken by any artist of celebrity you may think proper to employ for that purpose; and any expense that may be incurred on the occasion we shall be most happy to defray.

With best wishes for the health and happiness of yourself, Mrs. Darling and family, and hoping that the voyages your Excellency is about to make, previous to

your assumption of your new Government of Jamaica, may be as auspicious as your Excellency could desire.

We have, &c.
(Signed) L. O'BRIEN, *President*.
(And 8 others.)

St. John's, April 21, 1857.

Copy of an Address presented to his Excellency Governor Darling by the Inhabitants of Kingston, on the occasion of his Departure from Jamaica on Leave of Absence, in the month of March 1862.

To his Excellency C. H. Darling, Esq., Governor of Jamaica, &c., &c.

Sir,

Kingston, Jamaica, March 1862.

We, whose names are hereunto subscribed, desire, on your approaching departure on leave of absence from this island, to make known to your Excellency our high appreciation of your eminent services as Her Majesty's Representative in this Colony.

We are fully impressed with the earnest intention of your Excellency during your administration of the Government impartially, faithfully, and with the best of your ability to discharge, for the mutual benefit of all classes of this community, the trusts delegated to you by Her Majesty the Queen.

We are of opinion that the Colony is deeply indebted to your Excellency for the valuable services which have of late years been rendered to this island during your Excellency's administration of the Government.

Unable at present to enter into any detailed estimate of your meritorious services, we cannot forbear assuring your Excellency that, with the greatest satisfaction and sincerest gratitude, we bear most willing testimony to the very exemplary part which your Excellency has above all others taken in promoting the real welfare of the Colony in your unceasing, strenuous, and able advocacy of the cause of immigration, and of the increase of the population of the island, to an extent far more adequate to her vast and varied resources than unfortunately it yet contains.

We most cordially hope that Mrs. Darling and your Excellency may derive every advantage in health, happiness, and prosperity from your trip to England; while we at the same time trust that God's blessing may accompany your return, and that your Excellency's resumption of the duties of your office may be attended with all the benefits which you desire, and which we have reason to anticipate from your past administration will result to all classes of the island.

We have, &c.
(Signed) A. BARCLAY, *Member of the Privy Council*.
(And about 380 other residents of Kingston, being storekeepers, tradesmen, and gentlemen holding public appointments.)

Parish of St. Thomas-in-the-East, Jamaica, March 1862.

To his Excellency Charles Henry Darling, Esq., &c., &c., &c.

We, the Magistrates, clergy, freeholders, and other inhabitants of the parish of St. Thomas-in-the-East, having learnt that your Excellency is on the eve of your departure for England, which, we are happy to believe, will be only for a short time, desire to avail ourselves of the opportunity to offer your Excellency some expression of our esteem and regard, and our unqualified appreciation of the straightforward, manly honesty of purpose which has so strongly characterized your administration.

We can remember no measure during your administration proposed by the Legislature, having for its end the welfare and prosperity of the island, which did not meet with your cordial support and co-operation; and we doubt not but that the same desire to promote the best interests of the Colony and the welfare of all classes, which has hitherto been the distinguishing feature of your Government, will, on your return, as we hope you soon will, with the renewed confidence of our gracious Sovereign, continue to be the governing principle of your administration.

Wishing your Excellency and family every blessing this life can give, we desire

reverently to commend you, your truly estimable and respected wife, and your young family, to the special guidance and protection of the Almighty, and that He may preserve you from all evil and lead you into all good, and that we may soon have the gratification of once more offering to yourself and estimable family our hearty congratulations on your again assuming the government of this island.

(Signed) ALEXANDER BARCLAY, *Custos Rotulorum*.
(And 121 other proprietors, planters, and residents in the Plantain Garden River, Morant Bay, and Blue Mountain Valley, District of the Parior.)

To his Excellency Charles Henry Darling, Esquire, Governor of Jamaica, &c.

We, the undersigned Magistrates and inhabitants of the parish of Westmoreland, being deeply imbued with a sense of the benefits that have accrued to the Colony by your administration of the Government, avail ourselves of the occasion of your departure, for a temporary absence from the island, to assure you of our warm wishes for a safe and pleasant voyage to yourself and family, and speedy return; and to express our sense of gratitude for those benefits, and our admiration and esteem for the firm purpose, sound judgment, and earnest application, long alone needed for securing to the country that promise of true improvement and progress which is now apparent.

(Signed) BERRY VICKERS, *Custos*.
DANL. FIDLER, B.A., *Rector*.
T. TILLY, *Senior Resident Magistrate*.

(And 20 justices of the peace, and 41 other inhabitants of the parish of Westmoreland.)

April 3, 1862.

Inclosure 3 in No. 4.

Minute by Governor Sir C. Darling.

IT has become my painful duty to communicate to Mr. McCulloch and his colleagues the accompanying despatch from the Right Honourable Edward Cardwell, Her Majesty's Secretary of State for the Colonies, acquainting me that Her Majesty had, upon that Minister's advice, determined to relieve me of my duties as Her Representative in Victoria; and intimating at the same time his wish that I should, as soon as my convenience will admit of my leaving the colony, transfer its Government to the hands of General Carey.

I have apprised the Secretary of State in reply, that, with a deep sense of the gracious favour which I have received from Her Majesty during the long period of more than eighteen years in which I have enjoyed the honour of being a Representative of Her Crown, I bow respectfully to her commands as signified through her responsible advisers; and I have assured Mr. Cardwell, at the same time, that I shall make immediate preparations for an early departure from these shores.

But in making this communication, I have also informed the Secretary of State that I feel it an incumbent duty to enter my respectful but unhesitating protest against the validity of the grounds assigned for the advice which he has tendered to the Queen; and it is due to my official position and established character that I should now record the reasons and considerations by which that protest is supported,

The alleged necessity for my recall is laid in the plea that I occupy a position "of personal antagonism towards almost all those whose antecedents point them out as most likely to be available to me in any change of Ministry," and that this antagonism has resulted from a course of conduct on my part which cannot be justified in law, and my strong denunciation of those who objected to that course.

The course of conduct referred to is limited to two distinct allegations—one, the failure on my part "to interfere with all the weight of my authority when my Ministers continued," as is asserted, to levy Customs duties "notwithstanding the adverse decision of the Court;" and the other a similar failure to "withhold my

personal co-operation in the scheme of borrowing money in a manner unauthorized by law."

The answer to the first allegation is, as my advisers must be aware, complete and incontrovertible. The duties ceased to be levied some time in November and the final judgment of the Supreme Court was not delivered until the 8th nor recorded until the 13th day of December following.

But even had this been otherwise, I affirm that any interposition on my part, such as the Secretary of State considers I should have exercised, is not only unwarranted by, but would have been actually contrary to, law. The Customs Act unquestionable places, as I conceive, the whole responsibility relating to the collection of Customs duties in the hands of the Commissioner of Customs, and even assigns to the Governor in certain cases functions which are of a judicial rather than of an executive character.

With respect to the levy of duties by anticipation, it seems unnecessary now to inquire how far it is or is not analogous to the English custom, or in what considerations connected with the interests of trade it originated.

It is enough to say that in this colony the practice commenced during the period when the Customs Act itself was under the consideration of the Legislature: and that it has been uniformly continued from that time, the provisional collection having in one instance extended over a period of more than five months, and been occasionally proceeded with even in cases where it was extremely doubtful whether the concurrence of the Legislative Council would be ultimately given.

Moreover it is, I firmly believe, contemplated in and authorised by the nineteenth section of the Act; for it is abundantly evident, according to my conception of the meaning of that section, that the old or "former" duties cannot be legally demanded after the date, not of the passage of the Act, but the date at which the new duties are thereby made "chargeable." If then the new duties be not collected by anticipation, or in other words, as a "deposit"—a proceeding evidently contemplated by the twenty-first and twenty-second sections of the Act—there is no mode by which they can be secured in the event of the Bill intended to legalise them passing into law; and as the old duties in that case will have been illegally charged and might, I presume, be recovered by those who paid them, it follows that if the new duties are not taken as a deposit, the Customs revenue for the period between the introduction of the resolutions and the passing of the Bill into law will have lapsed and been lost to the Consolidated Fund.

Moreover, I may ask, was it possible that I could suppose the collection of these duties was illegal, when I knew that the Commissioners of Audit were receiving monthly returns of the moneys collected as such, and recognised those moneys provisionally as part of the consolidated revenue?

This tacit recognition by the Auditors of the legality of the collection of duties by anticipation has recently been confirmed by the written communication from those officers which is annexed. I had thought it necessary to inquire upon what ground those officers considered money to be legally available for the refund of sums collected as Customs duties under the Tariff Bill, which was lost in the last sessions of the Legislature; and it will be seen that in their reply, they unequivocally state that they "have considered it clear that the resolutions of the Legislative Assembly gave full authority for the collection of these duties" supporting that opinion by a subsequent reference to the "Text Book of May" and "the precedents created here by the Legislative Assembly during the last eleven years."

The "laying aside" of the Appropriation-cum-Tariff Bill last year by the Council was not, I presume, considered by the Commissioners of Audit to affect the validity of the authority under which the duties were being at that time provisionally levied, since no representation was, so far as I am aware, made by them upon the subject; and I have always myself considered that, whether that proceeding did or did not, according to Parliamentary practice, constitute the "loss of the Bill," it undoubtedly was not a *rejection of the Tariff*, since the Council had not only throughout the controversy complained that the conjunction of the two measures had prevented them from giving their consideration to the Tariff, but also when they laid aside the Bill, they declared, by resolution, their readiness to consider the Tariff if sent up to them as a separate measure.

It is apparent, then, that the authority of written law, of established practice, of the opinion of experienced Auditors, and, I may add, of all my advisers, including the Crown Law Officers, of a majority of the Assembly and a minority of the

Council, combine to establish the belief that the provisional levy in this colony of new Customs duties, under resolutions of the Assembly, is justifiable.

The opinion of the Secretary of State, on the other hand, is that the levy is not justified in law, and that my supposed concurrence in that proceeding was "wrongful."

As I was not in possession of that opinion at the time of the levy of the duties in question, and then considered, as I now consider, not only that my concurrence was not necessary, but that my interference would have been "wrongful," I find it impossible to recognise the justice or fairness of a decision on the part of Her Majesty's Ministers which affirms that my conduct, in connexion with the matter in question, gave just occasion for "personal antagonism" to me on the part of the twenty-two Executive Councillors who petitioned Her Majesty on the subject.

I now turn to the consideration of the other act on my part which is considered to have justified this antagonism, viz., the contraction of the loan. It will be seen that, when adverting to this transaction in his recent despatch, preliminarily to the announcement of my recall, Mr. Secretary Cardwell applies to it language very different from and far stronger than that in which he had referred to it in previous communications.

It is now said that it was *evidently my duty* to have withheld from it my personal co-operation. But in Mr. Cardwell's despatch No. 107 it is described as a proceeding which might be *excused and justified* by an "overwhelming emergency of such a nature as to justify that which was not justified by the letter of the law;" and in his subsequent despatch, No. 11 of this year, it is referred to as a measure "in its nature questionable, but which, in the opinion of my legal advisers, is within the letter of the law, which I had found myself called upon by my responsible Ministers, with the concurrence of the Legislative Assembly, to adopt for the purpose of overcoming an immediate difficulty." Mr. Cardwell further admits that in adopting the measure I was under the belief that it was "in accordance both with the *letter and spirit of the law*." It might have been added, as being within the knowledge of the Secretary of State, that while I was still in ignorance of the view which he would take of these proceedings, I had in a minute addressed by me to my advisers in November last, used the following words, and that the declaration they contain as to my motives in contracting the loan was only confirmatory of all that I had written to him on that point in the earlier of my despatches on the subject, viz., "My advisers are aware that in accepting whatever degree of responsibility may attach to me in regard to the financial arrangement by which the public credit is at present maintained, I have been influenced solely by what has appeared to me to be the paramount obligation of averting from the community confusion and distress during the continuance of the contest between the Legislative Chambers, and not by any consideration whatever connected with the merits of the contest on either side."

Recent experience will enable the people of this colony to judge whether a lengthened suspension of the public payments, which there was the strongest ground for apprehending so long as the Council and Assembly remained entrenched, as it were, behind the resolutions those Houses had last year respectively adopted, did or did not constitute an emergency well nigh overwhelming, and whether I did not describe such an emergency with simple truth when, in addressing the Secretary of State, I characterised it as one than which none greater could possibly arise in the course of colonial administration, excepting only a rebellion with force of arms.

I may then, without hesitation, assert that, having exhausted the limited efforts which I could constitutionally exert to reconcile the Legislative Chambers, and having every reason to suppose that the struggle would continue for an indefinite time, I had an emergency to deal with, of that overwhelming nature which "justified" and "excused" the measure I adopted. I was called upon by the Assembly and my Responsible Ministers to adopt it, and the Law Officers of the Crown advised me that it was within the letter of the law. I repeat now what may be readily gathered from the statements in my despatches to the Secretary of State, that in co-operating with my Ministers to effect the loan I was not influenced by the partizan spirit which that Minister has ascribed to me, but by an honest desire to sustain the financial credit of the Government and avert public distress. Nor did I give my concurrence in defiance, as has been alleged, of the Legislative Council, or with any desire to nullify or disregard its legislative rights; but with a reasonable anticipation, if not an absolute certainty, that the expressed intention of

that branch of the Legislature to concur in the expenditure proposed by the Estimates would be duly accomplished.

These being the facts, I think I may well ask whether this transaction constitutes an adequate reason one iota more valid than does the provisional levy of the Customs duties for the "personal antagonism" which the Executive Councillors are said to have conceived against me.

As regards the alleged denunciation of these gentlemen for objecting to the course which I pursued, a reference to the 56th and following paragraphs of my despatch No. 152 will show that I denounced their conduct—not, as is implied, because they had petitioned Her Majesty in complaint of my proceedings, but for a very different reason. My charge against them was—

1st. That, holding the commission of an Executive Councillor, which placed them under well-known obligations towards the Governor of the Colony, and specially in that capacity, preferring to Her Majesty accusations against me of illegal and unconstitutional conduct, they had, one and all, abstained, during a period of three months, from making the slightest intimation to me, upon their individual responsibility as Executive Councillors, of their opinion that my conduct was open to those accusations, and from offering to submit to me the reasons upon which that opinion was based; but that, nevertheless, they had, at the expiration of that period, and upon the evening immediately preceding the day on which my despatches were closed, combined in making their representation to Her Majesty; sent it to me, with the expression of their expectation that I would transmit it by that very packet to the Secretary of State, and forwarded it in a printed form to England, for circulation in that country.

2ndly. That, in their representation thus transmitted, they had departed from the plainest principles of fairness and duty, when approaching Her Majesty, solemnly to impeach the conduct of her Representative, by suppressing, in their statement, every fact and circumstance upon which they were well aware that I had justified by my proceedings.

It may be gathered from the Secretary of State's despatch that he considers these acts, on their part, free from blame. Surely, however, it cannot be denied that they betrayed a spirit of unfairness and hostility towards me, produced, not by my personal demeanour in regard to them, but by my public conduct, which could have no other effect in my mind than that, as stated in my despatch, of creating "doubt and distrust."

But those who know how little the Governor can possibly control the selection of his Ministers, and how seldom he interferes, or is expected to interfere, in the domestic policy of the Colony, must be well aware that this expression, on my part, could have related only to such cases as those which rarely indeed occur, but which have unfortunately arisen within the last few months, in which the Governor's personal action may become involved, and that there was nothing whatever in the position which these gentlemen and I occupied in relation to each other, to warrant the belief that I should attempt to withhold from them, in respect to their public policy, if called to assist in the administration of affairs, that fair and just support to which any Ministry for the time being is entitled.

For the principles which I maintained upon this point before my appointment to this Government, I refer to the following extract of a letter which I addressed to the Under-Secretary of State on the 27th of January, 1863, after having perused a despatch in which Lieutenant-Governor Eyre, who was administering the government of Jamaica in my absence, had expressed his apprehension that he should be obliged to call to the Executive Committee gentlemen whom he believed to be personally opposed to me.

I expressed the principle which I then entertained in these words, viz.:—

"While thanking the Lieutenant-Governor for the courtesy and delicacy towards myself which he had evinced, I assured him that I never had permitted, and would not during the remainder of my administration permit, any consideration affecting myself personally to stand in the way of securing in the Executive Committee* the services of those members of the Legislature who should be proved by the proper tests to be the best calculated to fulfil with advantage to the public interests the functions for which that Committee was created."

"I added, that if it would tend in the slightest degree to relieve Mr. Eyre from the embarrassment which he apprehended, he was perfectly at liberty to make

* The Colonial Ministry.

known, as widely as he thought desirable, that those were the principles which I avowed and was prepared to act upon."

That I have not departed from this principle in my conduct of the administration of Victoria is sufficiently proved by the fact that when the course of political events recently pointed to Mr. Fellows, of the Legislative Council, as the person to whom I should apply to form a new Administration—although that gentleman is one of those whose conduct I denounced, and whose language, on more than one occasion, tends to show that his object was to accomplish my removal from the Government—yet I placed myself in immediate communication with him, and was perfectly prepared to receive and act with him and any Administration he could form. I could scarcely show more conclusively than by this proceeding that whatever was the feeling which the conduct towards me of this gentleman and the other Executive Councillors had led me to entertain, I readily submitted that feeling to my public duty, and to respect for the broad principles of Responsible Government which I was bound to uphold.

I am quite aware that it has been said that I did not give Mr. Fellows due support, because I refused again to dissolve the Assembly; but that question may, I think, well be left to stand upon its own merits.

With respect to the Secretary of State's remarks on the opinion I expressed in reference to the penalty that seemed to me to attach to conduct upon the part of the members of the Executive Council which I deemed treacherous and unfair, I certainly disclosed to him, fully and freely, as I believe it is my duty to do, the sentiments which I entertained in reference to that conduct; but I made no attempt whatever to press the adoption of my opinions upon him, nor any appeal for his intervention which could not have been perfectly met by the simple expression of his assent or dissent from the grounds on which it is based. I spoke of "whatever course you may be pleased to advise Her Majesty to adopt;" and the very fact that I never alluded to the possibility of my proceeding beyond the act of *suspension* in a Government where I possess, by my commission, the power of *removal* from office, shows sufficiently the principle of deference to the opinion of superior authority by which I was actuated.

Had I been influenced by the animus ascribed to me, I might, since my despatch was written, have deprived no less than four of those gentlemen of their commissions, upon grounds the propriety of which could not, I think, have been disputed.

In two of these cases language was used upon public occasions which nothing could justify an Executive Councillor in employing against Her Majesty's Representative for the time being; in the third, the bearer of Her Majesty's commission as an Executive Councillor was fined in a police court for an aggravated assault, arising out of election proceedings; and the fourth was an instance in which the name of the member of Council appeared in the "Gazette" as an insolvent debtor.

Those who are best acquainted with the history of my long career will think that the admonition respecting the avoidance of personal conflict with persons who are, or who are likely to be, members of Parliament, is scarcely applicable to my character and usual conduct; and the observations which form the context of the passage in which that admonition occurs have been, as I hope, sufficiently replied to by the remarks already offered.

Mr. Cardwell appears to have concluded that a passage of my despatch, which conveyed only a strong expression of opinion upon the conduct of others, was intended to indicate a future line of conduct of my own.

The apprehension which he seems to have entertained as to what that conduct would be was proved to be completely unfounded by the events in this Colony which followed immediately upon the resignation of Mr. McCulloch's Ministry, a few days after the Secretary of State's despatch was written.

However much the theory of Responsible Government may be considered to imply that the selection of his Ministers rests with the Representative of the Crown, it is notorious that, in colonial practice, he is compelled to take in that capacity whatever members of both branches may be indicated by their possession of the confidence of a majority of the Assembly.

No change of Ministry has taken place during my administration. Before my assumption of the Government such changes were frequent; but I am sure that I am right in saying that they have been invariably accomplished by the Governor's entrusting the duty of constructing an administration to a leading member of the party whose opinions, for the time being, were predominant; the Governor himself exercising no power of selection, or being influenced in any way by the consideration

whether he confided in, or doubted and distrusted, or held a favourable or unfavourable personal opinion either of the Head of the new Administration or of those whom he selected as his colleagues.

All that is essential is, that the Governor should not, on account of any opinions he may personally entertain, refuse to apply to, or to accept, the services of those whom events in Parliament may indicate from time to time as his Responsible Advisers.

I must repeat that I have conclusively shown by my recent application to Mr. Fellows that such was my rule of conduct; and although that application did not, in the existing state of parties, and at the particular moment, result in the formation of a new Ministry, it cannot be denied that the very fact of my unhesitatingly communicating with that gentleman, and making no stipulations tending to restrict a free choice of his colleagues, completely precluded me from urging upon any future occasion, had I even been so disposed, objections, whether personal or otherwise, founded upon past occurrences.

It follows, then, that I have been removed from my high office in order to allay apprehensions originally conceived in the absence of a correct knowledge of facts; and now proved, as I believe, to be devoid even of a shadow of foundation.

I solemnly declare for myself, that I have never entertained any feeling towards the gentlemen referred to (although I still view with indignation their unfair proceeding towards me in relation to the Petition to Her Majesty) which would or could have prevented me from receiving them as my political Advisers; and I very much mistake the temper which for the most part animates colonial gentlemen who engage in public affairs, if I may not safely assert, that with the termination of a political struggle the personal antagonism which it may have engendered usually passes away.

My Advisers are aware that, when I last year intimated to them my opinion that the Assembly should be dissolved, I was influenced, not by any doubt as to the opinion of the constituencies in respect to the Tariff, but by a desire to remove the apparently insuperable obstacle to the initiation of another Appropriation Bill which the Resolutions adopted by the Assembly in July last presented. More recently, when expressing to Mr. McCulloch and his colleagues my opinion that they were under the constitutional obligation to resume office, or to suggest to me some practicable course by which a new Administration might be formed, I pointed out that the Legislative Council had officially apprised me, through the Minute which they had presented to me for transmission to the Secretary of State, that they were ready to adopt the rates of duty proposed by the new Tariff, and I added, "An agreement having thus been accomplished in respect to the substantial object contended for, the difference upon the other points adverted to by the Council is rendered comparatively unimportant, and may, the Governor trusts, be adjusted without much difficulty, if approached on either side in that spirit of forbearance and concession which the true interests of the community so imperatively call for at the present moment."

In order to carry out these views my Ministers resumed office provisionally, and by their advice I consented to prorogue the Parliament for the purpose of affording an opportunity for a conference between the two Houses.

It is a great satisfaction to me to know that upon the very day on which I received the Secretary of State's despatch announcing my removal from this Government, the desired Conference was held, that the spirit of "forbearance and concession" prevailed, and the result has been that the Royal Assent has been given, not only to the Act establishing the Tariff which has so long been the occasion of contention, but also to an Appropriation Act, covering both the expenditure of last year, which had been temporarily provided for by loans, and the debts and obligations already incurred on account of the current year.

I express in all sincerity my earnest hope that my successor in the highly honourable and lucrative post of which I have been, by Mr. Cardwell's advice, deprived, may enjoy the full benefit of the calm which can scarcely fail to follow the storm which has so long disturbed the political atmosphere.

Upon the supposed antagonism of a few of those from amongst whom it may hereafter become the duty of the Governor to select his Ministers, and by denunciation of their conduct—not, I repeat, in forwarding a petition to Her Majesty—but in putting the public of the mother country in possession of that petition before I could possibly report upon it, and point out to the Secretary of State its numerous omissions of facts—has been found, in the Secretary of State's opinion, a sufficient

plea for the necessity of relieving me from my office as Governor of Victoria. I feel most sensibly that this proceeding constitutes a great and irreparable wrong inflicted upon me in my public character.

I observe that Mr. Cardwell has incidentally alluded to my "long services." It will not be unsuited to an occasion arising out of the abrupt and painful termination of those services which my removal under such circumstances, from this high and important Government does, in effect, constitute, if I append to this minute copies of letters I have received from his immediate predecessor, his Grace the late Duke of Newcastle, and of public addresses presented to me by the authorities and inhabitants of the four colonies in which I had the honour of representing Her Majesty before my appointment to Victoria.

It gratifies me thus to place on record on a spot which, then a wilderness, was within the territory of the neighbouring colony where nearly forty years since I commenced my course of public service, some proof that I was not altogether unworthy of the honour which the late Duke of Newcastle conferred on me when he confided to me the duty and responsibility of representing our Gracious Queen in this great community of Her Majesty's loyal and faithful subjects.

Melbourne, April 18, 1866.

(Signed) C. H. DARLING.

No. 5.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received June 18, 1866.)

(No. 42.)

(Answered, No. 6, June 25, 1866, page 44.)

Sir,

Government House, Melbourne, April 20, 1866.

I HAVE the honour to forward a copy of the Speech, which, with the advice of my Ministers, I read to both Houses of the Legislature on opening the second session of the fifth Parliament of this Colony.

I have, &c.

(Signed) C. H. DARLING.

Inclosure in No. 5.

Speech of Governor Sir C. Darling.

Mr. President and Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the Legislative Assembly,

IN order that the Supply Bill of last session may be again considered, it has been found necessary that there should be a new session of Parliament, and I have therefore called you together immediately after the prorogation for that purpose.

Mr. Speaker and Gentlemen of the Legislative Assembly,

The estimates which were laid before you last session will be resubmitted for your consideration.

Mr. President and Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the Legislative Assembly,

In adopting the course I have taken to enable you again to deal with the Supply Bill, I have been actuated by an earnest desire that the differences between the Houses should be brought to an end.

I trust that in considering the remaining points of difference you will be enabled, while maintaining all that is essential to the public interests that each House should preserve, at the same time to give full effect to the wishes which the constituencies have so recently and so clearly expressed.

No. 6.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received June 18, 1866.)

(No. 43.)

Sir,

Government House, Melbourne, April 20, 1866.

I HAVE the honour to transmit herewith the transcripts of two Acts to which I have recently given the Royal assent, intituled respectively "An Act for granting to Her Majesty certain duties of Customs, and for altering certain other duties;" "An Act to apply out of the Consolidated Revenue the sum of thirteen thousand and twenty-nine pounds twelve shillings and nine pence to the service of the year one thousand eight hundred and sixty-four, and one million five hundred and fifty-three thousand six hundred and sixty-seven pounds and eleven pence to the service of the year one thousand eight hundred and sixty-five, and six hundred thousand pounds to the service of the year one thousand eight hundred and sixty-six."

In connection with the first mentioned Act, the Attorney-General has placed in my hands a Memorandum, of which I beg to inclose a copy. Mr. Higinbotham, however, informed me that he was of opinion that under the Secretary of State's despatch to which he refers I should be justified in assenting to the Bill.

2. After I had given my assent to it, I received a communication from the Honourable Mr. Fellows, a copy of which I also inclose.

I have, &c.

(Signed) C. H. DARLING.

Inclosure 1 in No. 6.

(No. CCXCIII.)

An Act for granting to Her Majesty certain Duties of Customs, and for altering certain other Duties.

[April 18, 1866.]

MOST Gracious Sovereign. Whereas we, your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Victoria, in Parliament assembled, did, on the eleventh day of April, in the year of our Lord One thousand eight hundred and sixty-six, freely and voluntarily vote that a supply be granted to your Majesty; and whereas, towards raising such supply, we did, on the eleventh day of April aforesaid, vote that the several duties hereinafter mentioned be charged. We do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Acts and parts of Acts mentioned in the first schedule hereto, to the extent to which the same are in and by the said schedule expressed to be repealed, shall be and the same are hereby repealed. Preamble.
Repeal of Acts.
First Schedule.

2. In lieu and instead of all other duties of Customs heretofore levied, and subject to the exemptions in the second schedule hereto contained, there shall be collected and paid to Her Majesty upon goods, wares, and merchandize imported, whether by land or sea, into Victoria, and upon gold exported, whether by land or sea, therefrom, the several duties of Customs set forth in the table of duties contained in the said second schedule hereto, at the rates and for the quantities therein-mentioned, and at proportionate rates for any smaller quantity. The said several duties shall be taken to have been in force and payable on and after the twelfth day of April, in the year of our Lord One thousand eight hundred and sixty-six, and all acts done on or after the day aforesaid shall be as valid, and the duties on all goods, wares, and merchandize imported into Victoria on or after such last-mentioned day shall be paid, collected, and recovered, and payments in respect thereof may be repaid and adjusted, as if this Act had been passed and had come into operation on such day. Duties of Customs.
Second Schedule.

3. In all cases where any duty is imposed on any goods imported *ad valorem* or according to the true and real value of such goods, such value shall be understood to be the fair market value thereof in the principal markets of the country whence the same were exported, with 10 per cent. added. Value of goods
how estimated.

Value of goods in certain cases to be verified by declaration of importer or agent.

4. In all cases where a duty is imposed on any goods imported *ad valorem* or according to the true and real value of such goods, such value shall be verified at the time of entry by the production of the genuine invoice and by the declaration of the importer of such goods or his authorized agent in manner and form following (that is to say):—

Port of

I, A. B., do hereby declare that the invoice now produced is the genuine invoice of the goods mentioned in the entry and contained in the packages [*here specify the several packages and describe the several marks and numbers as the case may be*], and that the value of such goods mentioned in the said entry and invoice at the time of shipment was the fair market value of such goods in the principal markets of _____, the country whence the same were exported.

Witness my hand this _____ day of _____, One thousand eight hundred and _____.

A. B.

The above declaration, signed the _____ day of _____, in the presence of _____

C. D.,
Collector [*or other proper officer*].

And such declaration shall be filled in and shall be verified by the signature of the importer or of his authorized agent, in the presence of the collector or other proper officer at the port of importation.

Officer may assess value.

5. If upon view and examination of such goods or otherwise it appears to the proper officer that the said goods are not valued according to the true and real value thereof, as hereinbefore mentioned, then and in such case the proper officer may detain the goods, and shall assess the value thereof, and in case the importer or his agent shall object to pay duty according to the value of such goods so assessed by the proper officer, or in case the value of such goods is unknown or uncertain, then the value of such goods shall be ascertained according to such rules and regulations as the Governor in Council may from time to time make in that behalf, and the duties shall be paid according to the value so ascertained.

Examination of importer or agent on oath.

6. The collector may if he shall think fit dispense with the production of the genuine invoice aforesaid, and in such case, and in all other cases, when he shall think fit, he shall examine any importer or his agent upon oath as to the value of any goods liable to duty, according to the value thereof, and in case the importer or his agent shall upon being summoned neglect or refuse to attend for examination, or shall refuse to be sworn, or to answer such questions as shall be put to him by the collector, or to produce or account to the satisfaction of the collector for the non-production of any such invoice, then, and in every such case, the value of such goods as assessed by the proper officer shall be deemed to be the true and real value thereof, and such importer or agent shall also be liable to pay any penalty provided by any law now or hereafter in force relating to the customs in like cases of neglect or refusal to attend, or to be sworn, or to answer questions upon inquiries by the Commissioner or any officer of the Customs.

How goods to be dealt with if undervalued.

7. If the importer of such goods or his agent shall neglect or refuse to pay the duties imposed thereon after such examination and assessment by the proper officer or other person appointed for that purpose under any regulation or order by the Governor in Council, and also the costs of such examination and assessment, in the event of the valuation being greater than declared on the bill of entry, the collector or other proper officer may, and he is hereby required to, take and secure such goods, with the packages thereof, and shall cause the same to be publicly sold within the space of twenty days at the most after such examination, and at such time and place as such officer shall, by four or more days' public notice appoint for that purpose, and said goods shall be sold to the highest bidder, and the money arising from the sale thereof shall be applied in the first place in payment of the duties due upon such goods, together with the costs and charges that shall have been paid or incurred for, or on account of, such examination and sale; and, in the second place, towards payment to the importer or his agent of the declared value of the said goods as entered, together with any freight and charges paid thereon by such importer or his agent, not exceeding ordinary or current rates, and the balance (if any) shall be paid the one moiety thereof to the collector or other officer

who shall have detained or secured the goods, and the other moiety to the account of customs duties; and such last-mentioned moiety shall go to and form part of the consolidated revenue of Victoria: Provided, nevertheless, that the Commissioner may, if he shall think fit, elect after payment in the first place of the duties, costs, and charges as aforesaid, to pay the balance to the importer of the said goods or his agent less ten pounds per centum, which sum so deducted shall be paid the one moiety thereof to the collector or other officer who shall have detained and secured the goods, and the other moiety to the account of customs duties, and such last-mentioned moiety shall go to and form part of the consolidated revenue of Victoria.

8. If any package entered for duty is found to contain goods not mentioned in the entry or invoice, or if any goods are found which do not correspond with the description thereof in the invoice, and such omission or non-correspondence shall appear to the Commissioner to have been made for the purpose of avoiding the payment of the duty or any part of the duty on such goods, or if it shall appear to the Commissioner that in any invoice or entry any goods entered for *ad valorem* duty have been undervalued with such intent as aforesaid, or if the oath or declaration made with regard to any such invoice or entry is wilfully false in any particular, then, in any of the cases aforesaid, all the packages and goods included, or pretended to be included, or which ought to have been included in such invoice or entry, shall be forfeited.

Fraudulent entries

9. The Governor in Council may by order appoint private warehouses for the bonding of all goods subject to *ad valorem* or package duties, and may determine the fee or the proportion thereof payable therefor by any proprietor of such private warehouse.

Warehouses to be approved of, and on what conditions, &c.

10. When coffee, tea, sugar, rice, or hops imported into Victoria before, on, or after the 12th day of April, 1866, shall have been on or after the said 12th day of April, or shall be exported therefrom for drawback, if proof be made to the satisfaction of the Collector of Customs that the full duties due on importation had been paid, and that such goods had been duly landed at the port for which the same had been cleared, a drawback of the duty paid thereon shall be allowed, but no goods entered out for drawback on or after the said 12th day of April shall be entitled to a greater amount of drawback than the duty imposed on such goods under this Act.

Drawbacks allowed

11. No drawback shall be allowed upon the exportation of any goods entered for drawback, or as stores, which shall be of less value than the amount of the drawback claimed, or on which the duty shall not amount to 5*l.*, and all such goods so entered shall be forfeited.

Drawback not allowed in certain cases.

12. The Commissioner may, subject to regulations to be approved of by the Governor in Council, permit the entry of any goods under this Act in such form and manner, and on such conditions, as he may direct, to meet the exigencies of any case to which the provisions of this or any other Act relating to the customs may not be strictly applicable, and may make regulations for the exportation and re-importation of samples of goods.

Commissioner may permit entry of goods to meet exigencies.

13. The Commissioner may from time to time make regulations as to the minimum quantity of goods which may be delivered from the warehouse for home consumption or exportation or conveyance coastwise.

Quantity of goods delivered from warehouse.

14. If the strength of any spirits, cordials, liqueurs, or strong waters, sweetened or mixed with any article so that the degree of strength cannot be ascertained by Sykes' hydrometer (including all alcohol diluted or undiluted with water or other menstruum, and containing in solution any essence, essential oil, ether, or other flavouring or other substance, whether of natural or artificial origin), shall exceed the strength of proof, the strength shall be ascertained by such means as shall be from time to time directed by the Governor in Council, and such spirits, cordials, liqueurs, and strong waters shall be liable to the duty at the rate in the second Schedule hereto mentioned in proportion to the strength so ascertained as aforesaid.

Mode of ascertaining strength of overproof sweetened spirits, &c.

15. The provisions of all laws now or hereafter during the continuance of this Act in force, relating to the Customs, shall (save in so far as the same are inconsistent herewith or are altered hereby) be deemed and taken to be incorporated with this Act, and shall be applied, so far as the same can be applied, to the collection, recovery, and management of the duties enumerated in the Second Schedule hereto.

Second Schedule.

Laws relating to the Customs in force during the continuance of this Act, except where inconsistent, to be deemed to be incorporated with this Act.

Commencement of Act.

16. This Act shall be deemed and taken to have been in force and to have come into operation on and from the twelfth day of April, one thousand eight hundred and sixty-six.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
18 Vict., No. 9	"An Act for Granting Duties of Customs in the Colony of Victoria."	Section 2 and Table marked A annexed to Act.
18 Vict., No. 27	"An Act for Granting Duties of Customs upon Gold Exported from Victoria."	The whole.
21 Vict., No. 7	"An Act for Granting a Duty of Customs on Opium."	The whole.
21 Vict., No. 13	"An Act to Consolidate and Amend the Laws relating to the Customs."	Sections 100 and 101.
21 Vict., No. 15	"An Act to Amend the Law relating to Gold Coin."	So much as has not been already repealed.
25 Vict., No. 135	"An Act to amend an Act intituled 'An Act for Granting Duties of Customs upon Gold Exported from Victoria.'"	The whole.
25 Vict., No. 144	"An Act to amend the Laws relating to the Customs."	The whole.
25 Vict., No. 155	"An Act to amend an Act for Granting a Duty of Customs on Opium."	The whole.
27 Vict., No. 169	"An Act to further amend the Laws relating to the Customs."	Section 16.

Section 2.

SECOND SCHEDULE.

Table of Import and Export Duties.

Articles Imported by Land or Sea.	Rate of Duty.
Spirits or strong waters of any strength, not exceeding the strength of proof by Sykes's hydrometer, and so in proportion for any greater or less strength than the strength of proof	10s. per gallon.
Spirits, cordials, liqueurs, or strong waters sweetened or mixed with any article so that the degree of strength cannot be ascertained by Sykes's hydrometer (including all alcohol diluted or undiluted with water or other menstruum, and containing in solution any essence, essential oil, ether, or other flavouring or other substance, whether of natural or artificial origin)	10s. per gallon.
Spirits, perfumed	10s. per gallon.
Wine, per gallon, in wood	3s.
" or for six reputed quart bottles	
" or for twelve reputed pint bottles	
Ale, porter, spruce and other beer, cider and perry, per gallon, in wood	6d.
" or for six reputed quart bottles	
" or for twelve reputed pint bottles	
Tobacco, manufactured	2s. per lb.
" unmanufactured	1s. per lb.
" sheep wash	3d. per lb.
Snuff	2s. per lb.
Cigars	5s. per lb.
Tea	3d. per lb.
Sugar and molasses	3s. per cwt.
Coffee and chicory, cocoa and chocolate	2d. per lb.
Opium (including all goods, wares, and merchandize mixed or saturated with opium, or with any preparation or solution thereof, or steeped therein respectively)	10s. per lb.
Rice	2s. per cwt.
Dried and preserved fruits and vegetables, nuts of all kinds (not including cocoa nuts), butter, cheese, candles, bacon, lard, hams, starch, soap, confectionery, biscuits, comfits, sweetmeats, succades, jams, maccaroni, vermicelli, maizena, preserved meats and fish	1d. per lb. or package of that reputed weight.
Hops	2d. per lb.
Malt	6d. per bushel.
Salt	20s. per ton.
Vinegar	6d. per gallon.
Varnish	2s. per gallon.
Salted provisions, including fish not otherwise enumerated, and not caught from vessels owned in the colony	5s. per cwt.
Doors	1s. each.
Window sashes	1s. per pair.
Plate of gold	8s. per oz. troy.
Plate of silver	1s. per oz. troy.

Articles Imported by Land or Sea.										Rate or Duty.
Barley	..	..	..	..	..	..	..	..	..	3d. per bushel.
Oats	..	..	..	..	..	..	..	..	..	Ditto.
Millinery and all articles made up from fabrics of silk, or of silk mixed with other materials										5s. per cubic foot, measuring outside the package, or for any package less than one cubic foot.
Apparel and slops, and all articles made up wholly or in part from fabrics of wool, cotton, linen, or mixed materials (except corn or wool bags); boots or shoes, hosiery and gloves, hats, caps, and bonnets (untrimmed); saddles, harness, and leatherware										4s. per do. do
Watches, jewels and jewellery of all kinds; manufactures of silk or of mixed materials, of which the greater part is silk; musical instruments, carriages, glass and glassware, chinaware and porcelain, furniture, toys, and turnery, woodenware, brushware, and wickerware, earthenware, oilmen's stores not otherwise enumerated (except oils in bulk, tapioca, sago, arrowroot, spices, pepper, and ginger); woollen blankets and rugs										10 per cent. <i>ad valorem</i> .

Exemptions from Import Duties.

All goods, wares, and merchandize not included in the above Table of Imported Articles; gold and silver coin, passengers' baggage, cabin and other furniture or personal effects which have been in use and not imported for sale; carriages used in the conveyance of goods or passengers across the frontier; all packages in which goods are ordinarily imported; and all minor articles used in the making up of apparel of mixed or undescribed materials, shall be exempt from duty.

Articles Exported by Land or Sea.	Rate and Duration of Duty.
Gold, including gold in its natural state, whether mixed with any other substance or not; gold dust, and all other gold, except gold coin; watches, and articles of jewellery and plate.	1s. per oz. troy until December 31, 1866; 6d. per oz. troy from and after that date to December 31, 1867; and from and after December 31, 1867, the said duty shall cease and determine.

Inclosure 2 in No. 6.

(No. CCXCIV.)

An Act to apply out of the Consolidated Revenue the sum of Thirteen thousand and twenty nine pounds twelve shillings and nine pence to the service of the year One thousand eight hundred and sixty-four; and One million five hundred and fifty-three thousand six hundred and sixty-seven pounds and eleven pence to the service of the year One thousand eight hundred and sixty-five; and six hundred thousand pounds to the service of the year One thousand eight hundred and sixty-six.

[April 18, 1866.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled, and by the authority of the same, as follows:—

1. Out of the Consolidated Revenue there shall be issued and applied for the service of the year one thousand eight hundred and sixty-four, any sum or sums of money not exceeding thirteen thousand and twenty-nine pounds twelve shillings and nine pence, for or towards the salaries, wages, departmental and other expenditure for the year one thousand eight hundred and sixty-four.

Issue and application of
13,029l. 12s. 9d.

2. Out of the Consolidated Revenue there shall be issued and applied for the service of the year one thousand eight hundred and sixty-five any sum or sums of money not exceeding one million five hundred and fifty-three thousand six hundred and sixty-seven pounds and eleven pence, for or towards the salaries, wages, departmental and other expenditure, for the year one thousand eight hundred and sixty-five.

Issue and application of
1,553,667 0s. 11d.

2. Out of the Consolidated Revenue there shall be issued and applied for the service of the year one thousand eight hundred and sixty-six any sum or sums of money not exceeding six hundred thousand pounds, for or towards the salaries, wages, departmental and other expenditure, for the year one thousand eight hundred and sixty-six.

Issue and application of
600,000l.

Inclosure 3 in No. 6.

Memorandum for the Governor.

THE Bill of Supply passed by the two Houses of Legislature is a Bill altering and affecting duties of Customs within the meaning of the Act 5 and 6 Vict., cap. 76, sec. 31. In the form in which it was introduced into Parliament it was a Bill for a temporary law, but in its passage through Parliament it has been made a permanent measure.

Whether the Governor has or has not the power to assent to a Bill permanently affecting duties of Customs is a question which is still open to considerable doubt. The Secretary of State for the Colonies in a despatch dated 24th January, 1865, inclosed a Parliamentary paper containing the copy of a despatch addressed by Sir John Pakington to the Governor of South Australia in 1852, from which it appears that in the opinion of the then Law Officers of the Crown in England, it was not necessary (under the Acts upon which the opinion was given) that Bills imposing Customs duties in Australia should be reserved for Her Majesty's approval, and Mr. Cardwell was good enough to state that he entirely concurred in that opinion. But the provisions of the Acts upon which the opinion of the Law Officers was founded, although nearly resembling, are not identical with the provisions of the Constitution Statute 18 and 19 Vict., cap. 55, that relate to the subject.

And bearing in mind that sums exceeding in amount 12,000,000*l.* have been collected under Customs Acts of our Legislature, whose validity has been questioned upon the ground that they have not been reserved for the signification of Her Majesty's pleasure, and the fact that the opinion of the Law Officers of England and of the Secretary of State cannot be quoted as authorities in a Court of Law if proceedings already threatened should be taken to recover the whole or any part of that amount, I am unable to advise his Excellency that it would be safe to continue the practice of assenting to Bills of this nature.

I beg leave to point out to his Excellency that the difficulty so far as it affects future Bills would be removed if instructions on the part of Her Majesty were given to the Governor to assent to Bills altering or affecting duties of Customs in accordance with the provisions of 7 and 8 Vict., cap. 74, section 7.

With regard to this Bill in the absence of such instructions I decline to assume the responsibility of advising his Excellency that there is no legal objection to the Governor giving the Royal Assent to the Bill.

(Signed) .. GEO. HIGINBOTHAM.

Crown Law Offices, April 18, 1866.

Inclosure 4 in No. 6.

Mr. Fellows to Governor Sir C. Darling.

Sir,

34, Temple Court, April 18, 1866.

THE repeal of the gold duty having been retained in the Customs Bill on the ground that it was a tax and not a royalty, I have to submit to your Excellency that it cannot receive the Royal Assent in the colony.

By the 5 and 6 Vict., cap. 76, sect. 31, Bills affecting duties of Customs upon goods "imported to or exported from" the colony must be reserved for the signification of Her Majesty's pleasure thereon, except such Bills for temporary laws as the Governor shall expressly declare necessary to be forthwith assented to by reason of some public and pressing emergency. I do not dispute the accuracy of the opinion of the Law Officers of England (referred to in the Secretary of State's despatch regarding the Customs Act). That opinion is unquestionably correct. It relates, however, to duties of Customs on goods imported into the colony, and is based on 13 and 14 Vict., cap. 59, sects. 12 and 27, which do not mention exported goods.

The Constitution Act (which forms a Schedule to 18 and 19 Vict., cap. 55) no doubt contemplates and provides for duties "on the exportation from or importation into Victoria" (sect. 43). The Imperial Statute, however, to which the Constitution Act is a Schedule, applies (by sect. 3) the provisions both of 5 and 6 Vict. and 13 and 14 Vict., to Bills to be passed by the new Council and Assembly, and therefore qualifies the provisions of the scheduled Bill, which being merely an Act

of a subordinate Legislature cannot control the Acts (whether prior or subsequent) of that Imperial Parliament by whose authority the Colonial Legislature was itself established.

If any argument be needed in support of this view, I would refer to section 60 of the scheduled Bill, which requires an absolute majority to repeal certain of its provisions. Such an attempt by one Legislature to tie up its successors is according to the law of England of no avail, and accordingly the statute to which the Bill is a schedule (by sect. 4) provides for the case (which a Superior Legislature could do), and thus renders our Constitution a mixture of Imperial and Colonial Legislation. It should also be noticed that the scheduled Bill (sec. 43) opens with the words "subject to the provisions of this Act," so that if the Constitution Statute and Constitution Act are to be read as one, those words limit the remainder of the clause to cases in which the contrary is not provided, and the contrary is provided by section 3 of the Statute.

I have, &c.
(Signed) THO. HOWARD FELLOWS.

No. 7.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received June 18, 1866.)

(No. 54.)

(Answered, No. 5, June 23, 1866, page 43.)

Sir,

Government House, Melbourne, April 25, 1866.

I HAVE the honour to transmit herewith, for submission to the Queen, an Address to Her Majesty, adopted at a large public meeting recently held in Melbourne.

2. The Deputation was composed of four members of the Legislative Council, eight members of the Assembly, one member of the Executive Council not now in office, one gentleman formerly in the Legislative Council, and two others.

3. I beg to inclose copies of the Address which the Chairman of the Deputation made to me, and of my reply.

I have, &c.
(Signed) C. H. DARLING.

Inclosure 1 in No. 7.

Address.

To the Queen's Most Excellent Majesty.

May it please your Majesty,

WE, your Majesty's loyal and devoted subjects, resident in your Majesty's Colony of Victoria, in public meeting assembled, have learned with deep regret that your Majesty has been advised by your Majesty's Secretary of State for the Colonies to remove his Excellency Sir Charles Darling from this Government. We desire to inform your Majesty that for the last fifteen months unhappy differences have existed between the Legislative Council and the Legislative Assembly of this Colony on the subject of their respective powers in dealing with our financial legislation; that throughout these differences the public opinion of the Colony, as expressed at elections and in the Assembly, has strongly declared itself on the side of the latter body; that his Excellency the Governor has, during these differences, been placed in a position of almost unexampled difficulty; that by reason of his very limited power under our present Constitution Act, he is in no other way enabled to control or modify the action of his Ministers for the time being than by dismissing them, and calling other persons to his counsels; that inasmuch as, during the whole period over which these differences have extended, the existing Government have possessed the confidence of the country, and a large majority in the Assembly, Sir Charles Darling could only have changed his Ministers by calling to his council persons who would at once have been met with a vote of want of confidence in the Assembly; that in such case the whole machinery of government must have been paralyzed, and the means of carrying on the public

establishments stopped, by reason of the Assembly having resolved, and throughout adhered to their resolution, not to send up an Appropriation Bill to the Council until the claims of the Assembly to control the taxation of the Colony were acknowledged; that in dealing with this difficult political situation, his Excellency has, in the opinion of your Memorialists, been actuated by a single desire to leave public opinion to deal with the struggle in a constitutional manner, and that his tact and wisdom are shown by the result, inasmuch as the whole of these differences were terminated under his Excellency's Government before his recall; that his Excellency's conduct has met with the general approbation of the colonists at large, as proved in the recent general election for the Assembly, in which election a majority of three to one were returned in favour of the Government.

Your Memorialists, therefore, whilst deeply regretting that your Majesty has been advised to take a step which has involved what we cannot but regard as a slight and injustice to your Majesty's Representative, Sir Charles Darling, must also express their sincere conviction that such result has been mainly brought about by partial and *ex parte* representations which have been laid before your Majesty's Secretary of State by persons disaffected to Parliamentary Government in the Colony, and desirous of discrediting it in England; that under such circumstances your Memorialists cannot but deprecate in the strongest terms the unnecessary interference of your Majesty's Secretary of State in the internal affairs of the Colony; and, whilst devotedly attached to your Majesty's person, and earnestly desirous of maintaining our connection with your Majesty's Throne and the Empire, yet respectfully submit to your Majesty that we will at all times feel it to be our duty to maintain in their integrity the constitutional rights and privileges which your Majesty has been graciously pleased to confer upon us.

Humbly submitting this our respectful and dutiful expression of opinion upon the recent interference of your Majesty's Secretary of State for the Colonies to your Majesty's gracious consideration, your Majesty's Memorialists as in duty bound will ever pray.

Signed on behalf of a public meeting held in the largest public building available in the Colony, and consisting of more than 5,000 persons,
JOHN Mc CRAE, *Chairman.*

Inclosure 2 in No. 7.

Address to Governor Sir C. Darling.

May it please your Excellency,

I HAVE the honour, at the request of the citizens of Melbourne, of placing in the hands of your Excellency a Memorial to Her Majesty the Queen, from the citizens of Melbourne, in public meeting assembled. I have also the honour of stating, for the information of your Excellency, that the Memorial was adopted unanimously at one of the largest, most intelligent, most loyal, and most orderly meetings held within the city since the foundation of the Colony. The Memorial unanimously expresses the entire confidence of the people of Victoria in your Excellency's administration of the Government of the Colony, the sincere regret felt at your Excellency's sudden and unexpected recall from the administration of the Government of the Colony, and the entire confidence felt by the people in your Excellency's conduct throughout the recent crisis. The Memorial is loyally and respectfully worded, and the memorialists desire me to express a hope that your Excellency will think fit to transmit it to Her Majesty the Queen at the earliest opportunity.

Inclosure 3 in No. 7.

Reply of Governor Sir C. Darling.

Mr. McCrae and Gentlemen,

I CANNOT receive the Memorial which you have just placed in my hands for transmission to Her Majesty without offering to you my warm and heartfelt acknowledgment of your just appreciation of the course I have pursued throughout the late political difficulty.

I solemnly assure that large portion of the people who give me credit for having acted with truth and honesty, and a single desire to do my duty, that I have not myself taken, nor co-operated with others in taking, any step which I did not conscientiously believe to be within the legal competency of the Government to adopt.

I cannot but be sensible that the circumstances attending my removal from the Government of Victoria are such as to render it the probable termination of a course of public service of more than eighteen years as Her Majesty's Representative in several Possessions of her Crown; and I pledge myself to lose no time after my arrival in England in seeking to vindicate my administration of that Government by soliciting a full inquiry into every part of it through the medium of a Parliamentary Committee, unless Her Majesty should be graciously pleased to appoint some other tribunal for that purpose.

No. 8.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received June 18, 1866.)

(No. 56.)

(Answered, No. 5, June 23, 1866, page 43.)

Sir,

Government House, Melbourne, April 25, 1866.

WITH reference to my despatch No. 54 of this date* I have the honour to transmit, for submission to the Queen, a further Address to Her Majesty, adopted at a public meeting of the inhabitants of Preston and its vicinity.

2. I beg to inclose a copy of the letter, forwarding the Memorial to me, from Mr. James Balfour, a member of the Legislative Assembly.

I have, &c.

(Signed) C. H. DARLING

Inclosure 1 in No. 8.

Memorial.

To Her Most Gracious Majesty the Queen.

The Memorial of the inhabitants of Preston and its vicinity unanimously adopted at a public meeting.

May it please your Majesty,

WE, your Majesty's loyal and devoted subjects resident in your Majesty's Colony of Victoria, have learned with deep regret that your Majesty has been advised by your Majesty's Secretary of State for the Colonies to remove his Excellency Sir Charles Darling from this government.

We desire to inform your Majesty that for the last fifteen months unhappy differences have existed between the Legislative Council and the Legislative Assembly of this Colony on the subject of their respective powers in dealing with our financial legislation; that throughout these differences the public opinion of the Colony, as expressed at elections and in the Assembly, has strongly declared itself on the side of the latter body; that his Excellency the Governor has, during these differences, been placed in a position of almost unexampled difficulty; that by reason of his very limited power under our present Constitution Act, he is in no other way enabled to control or modify the action of his Ministers for the time being, than by dismissing them and calling other persons to his Councils; that inasmuch as during the whole period over which these differences have extended, the existing Government have possessed the confidence of the country and a large majority in the Assembly, Sir Charles Darling could only have changed his Ministers by calling to his council persons who would at once have been met with a vote of want of confidence in the Assembly; that in such case the whole machinery of government must have been paralysed, and the means of carrying on the public establishments stopped, by reason of the Assembly having resolved and throughout adhered to their resolution not to send up an Appropriation Act to the Council until the claims of the Assembly to control the taxation of the Colony were acknowledged. That in dealing with this difficult political situation his Excellency

has, in the opinion of your Memorialists, been actuated by a single desire to leave public opinion to deal with the struggle in a constitutional manner, and that his tact and wisdom are shown by the result, inasmuch as the whole of these differences were terminated under his Excellency's government before his recall; that his Excellency's conduct has met with the general approbation of the colonists at large, as proved in the recent general election for the Assembly, in which election a majority of three to one was returned in favour of the Government.

Your Memorialists, therefore, while deeply regretting that your Majesty has been advised to take a step which has involved what we cannot but regard as a slight and injustice to your Majesty's Representative, Sir Charles Darling, must also express their sincere conviction that such result has been mainly brought about by partial and *ex parte* representations which have been laid before your Majesty's Secretary of State by persons disaffected to Parliamentary government in the Colony, and desirous of discrediting it in England; that under such circumstances your memorialists cannot but deprecate, in the strongest terms, the unnecessary interference of your Majesty's Secretary of State in the internal affairs of the Colony, and whilst devotedly attached to your Majesty's person, and earnestly desirous of maintaining our connection with your Majesty's Throne and the Empire, yet respectfully submit to your Majesty that we, a free community, will at all times feel it to be our duty to maintain in their integrity the constitutional rights and privileges which your Majesty has been graciously pleased to confer on us.

Signed on behalf and by authority of the meeting (consisting of not less than 150 persons), held on the 23rd day of April, 1866,

EDWARD WOOD, *Chairman*.

Inclosure 2 in No. 8.

Mr. Balfour to Governor Sir C. Darling.

Sir, *Melbourne, April 25, 1866.*

I HAVE the honour to hand, herewith, Memorial from the inhabitants of Preston and vicinity addressed to the Queen, and I have further the honour to request on behalf of the meeting at which the memorial was adopted, that you will be pleased to forward the same to Her Majesty by the outgoing mail.

I may be permitted further to add, that the number stated as present at the meeting, viz., 150, though considerable for such a district, is considered by those who were present as an under-statement of the fact; besides that many were obliged to go away without obtaining admission, there being no room in the building.

I have, &c.

(Signed) JAMES BALFOUR,

*One of the Members representing the District of East Bourke
in the Legislative Assembly.*

No. 9.

Copy of a Despatch from Governor Sir C. Darling, K.C.B., to the Right Hon. Edward Cardwell, M.P.—(Received June 11, 1866.)

(No. 58.)

(Answered, No. 2, June 21, 1866, page 43.)

Sir, *Government House, Melbourne, April 25, 1866.*

I HAVE the honour to transmit herewith an Address to Her Majesty from the inhabitants of Prahran, in public meeting assembled.

I have, &c.

(Signed) C. H. DARLING.

Inclosure in No. 9.

Address.

To Her Most Gracious Majesty the Queen.

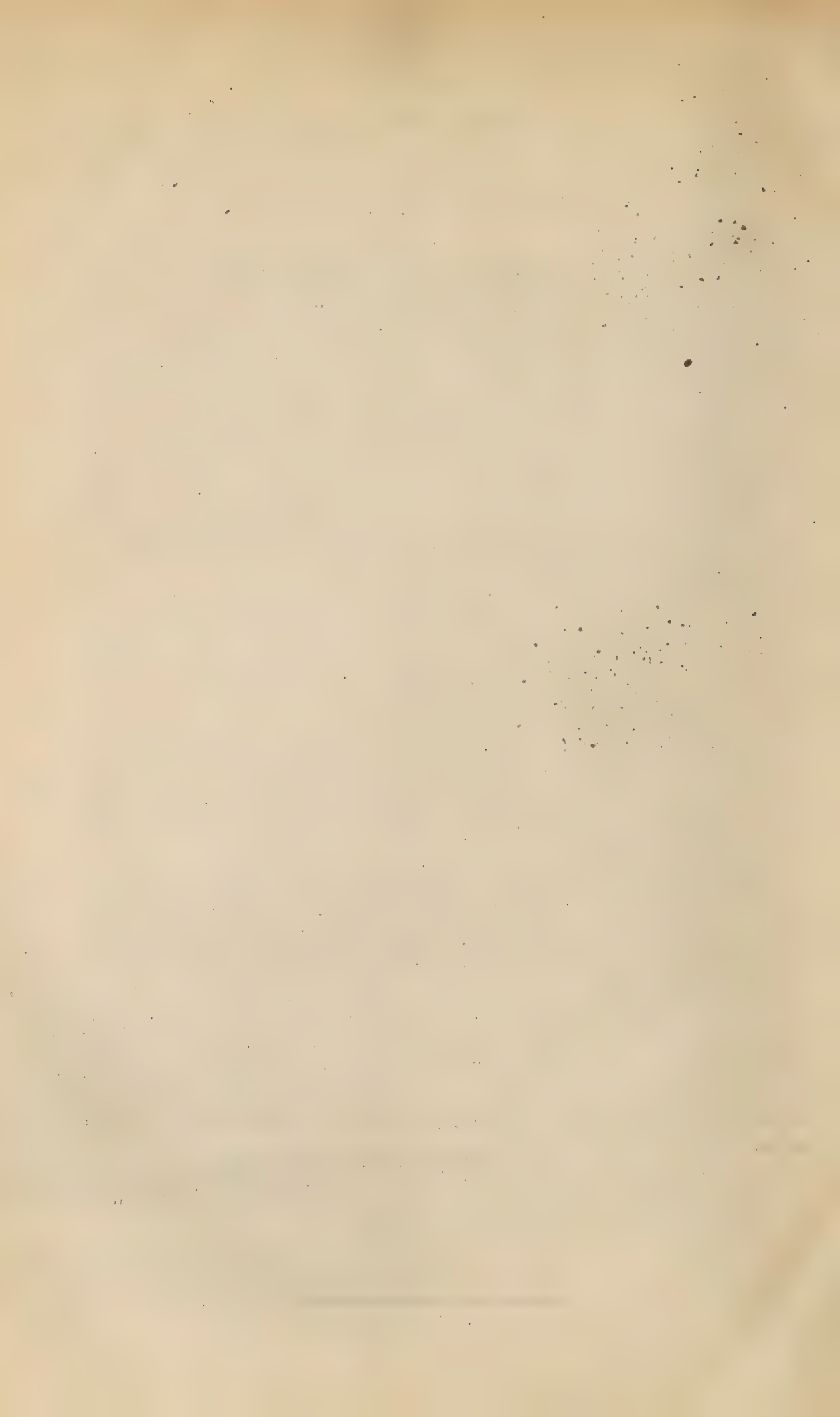
May it please your Majesty,

WE, your Majesty's loyal and devoted subjects resident in your Majesty's Colony of Victoria, in public meeting assembled, have learned with deep regret that your Majesty has been advised by your Majesty's Secretary of State for the Colonies to remove his Excellency Sir Charles Darling from this Government. We desire to inform your Majesty that for the last fifteen months unhappy differences have existed between the Legislative Council and the Legislative Assembly of this Colony, on the subject of their respective powers in dealing with our financial legislation; that throughout these differences the public opinion of the Colony, as expressed at elections and in the Assembly, has strongly declared itself on the side of the latter Body; that his Excellency the Governor has during these differences been placed in a position of almost unexampled difficulty; that by reason of his very limited power under our present Constitution Act, he is in no other way enabled to control or modify the action of his Ministers for the time being than by dismissing them and calling other persons to his Councils; that inasmuch as during the whole period over which these differences have extended the existing Government have possessed the confidence of the country and a large majority in the Assembly, Sir Charles Darling could only have changed his Ministers by calling to his Council persons who would at once have been met with a vote of want of confidence in the Assembly; that in such case the whole machinery of Government must have been paralyzed, and the means of carrying on the public establishments stopped, by reason of the Assembly having resolved, and throughout adhered to their resolution, not to send up an Appropriation Act to the Council until the claims of the Assembly to control the taxation of the Colony were acknowledged; that in dealing with this difficult political situation his Excellency has, in the opinion of your Memorialists, been actuated by a single desire to leave public opinion to deal with the struggle in a constitutional manner; and that his tact and wisdom are shown by the result, inasmuch as the whole of these differences were terminated under his Excellency's government before his recall; that his Excellency's conduct has met with the general approbation of the colonists at large, as proved in the recent general election for the Assembly, in which election a majority of three to one was returned in favour of the Government.

Your Memorialists therefore, while deeply regretting that your Majesty has been advised to take a step which has involved what we cannot but regard as a slight and injustice to your Majesty's Representative, Sir Charles Darling, must also express their sincere conviction that such result has been mainly brought about by partial and *ex parte* representations which have been laid before your Majesty's Secretary of State by persons disaffected to Parliamentary Government in the Colony, and desirous of discrediting it in England; that under such circumstances your Memorialists cannot but deprecate in the strongest terms the unnecessary interference of your Majesty's Secretary of State in the internal affairs of the Colony; and whilst devotedly attached to your Majesty's person, and earnestly desirous of maintaining our connection with your Majesty's Throne and the Empire, yet respectfully submit to your Majesty that we, a free community, will at all times feel it to be our duty to maintain in their integrity the constitutional rights and privileges which your Majesty has been graciously pleased to confer on us.

Signed on behalf of the Meeting,

J. B. CREWS, *Chairman.**Town Hall, Prahran, April 23, 1866.*



DESPATCHES FROM THE SECRETARY OF STATE.

Despatches from the Secretary of State.

No. 1.

*Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor the Hon.
J. H. T. Manners Sutton.*

(No. 2.)

Sir,

Downing Street, June 21, 1866.

I HAVE to request you will acquaint Mr. Crews, by whom, on behalf of the inhabitants of Prahran, the petition to the Queen, forwarded in Sir C. Darling's Despatch No. 58* of the 25th April, was signed, that it has been laid before Her Majesty.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 2.

*Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor the Hon.
J. H. T. Manners Sutton.*

(No. 4.)

Sir,

Downing Street, June 23, 1866.

I HAVE to acknowledge the receipt of Sir C. Darling's Despatch of the 12th of April, No. 40,† forwarding a Memorandum from the Commissioners of Audit respecting the refund of money paid to Government on account of Customs duties collected in accordance with a Resolution of the House of Assembly, but not ultimately sanctioned by the Legislature.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 3.

*Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor the Hon.
J. H. T. Manners Sutton.*

(No. 5.)

Sir,

Downing Street, June 23, 1866.

I HAVE to acknowledge the receipt of Sir C. Darling's Despatches of the 25th April last, Nos. 54 and 56,‡ forwarding two Addresses to the Queen, one adopted at a public meeting at Melbourne, the other from inhabitants of Preston, both having reference to the recall of Sir C. Darling from the Government of Victoria.

I have to request that you will cause the gentlemen by whom these Addresses are signed to be informed that they have been laid before the Queen.

I must, however, observe that when these Addresses were adopted, Sir C. Darling does not appear to have published the despatch in which the reasons of his recall were stated.

I presume that it will have been published long before your arrival in Victoria, otherwise I should direct you to publish it with that of Sir C. Darling to which it was a reply.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 4.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor the Hon. J. H. T. Manners Sutton.

(No. 6.)

Sir,

Downing Street, June 25, 1866.

I HAVE received Sir C. Darling's Despatch No. 42* of the 20th April last, forwarding a copy of his speech to both Houses of the Legislature on opening the second session of the fifth Parliament of Victoria.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 5.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor the Hon. J. H. T. Manners Sutton.

(No. 8.)

Sir,

Downing Street, June 25, 1866.

I HAVE the honour to acknowledge to you the Despatches of Sir C. Darling noted in the margin.† It is unnecessary for me to continue a discussion which, I think, was already exhausted, upon a subject on which the decisions of Her Majesty's Government have been fully expressed. I do not anticipate that any further questions will arise in Victoria respecting the levying of Customs duties, or the borrowing or expenditure of public money without the sanction of the Legislature; but if such questions should unfortunately arise, you will guide your conduct by the instructions conveyed in my former despatches, and will take care that the law of the Colony is not broken by the Representative of the Crown.

It is open to Sir C. Darling in his personal capacity to make any statement which he considers to be well founded, and is desirous to bring forward; or, if he wished to do so, he might as Governor have addressed Her Majesty's Government on the subject of the decision at which they had arrived in his case. But I do not think it was consistent with his duty while still holding the Queen's commission as Governor, to address to the Executive Council of Victoria the official Minute inclosed in his Despatch of the 18th of April, No. 41,‡ protesting against the decision of the Government which he had not yet ceased to serve. I notice this to you, lest by silence I might seem to sanction an objectionable precedent.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 6.

Copy of a Despatch from the Right Hon. Edward Cardwell, M.P., to Governor the Hon. Sir J. H. T. Manners Sutton, K.C.B.

(No. 9.)

Sir,

Downing Street, June 26, 1866.

I HAVE the honour to acknowledge the receipt of Sir C. Darling's Despatch No. 37§ of the 6th of April, requesting instructions as to the course to be adopted with respect to the collection of Customs duties between the date of the Resolutions imposing them and their ultimate adoption or rejection by the Legislature. It will be sufficient for me to refer you to the Despatches in which I have already expressed my views upon this subject.

I have, &c.

(Signed) EDWARD CARDWELL.

* Page 28.

† April 10, No. 38, page 2; April 18, No. 41, page 8.
§ Page 1.

‡ Page 8.

Further Correspondence respecting the
Non-Enactment of the Appropriation
Act in Victoria : 1865.

(In continuation of Papers presented to Parliament
May 28, 1866.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. June 28, 1866.*

LONDON:

PRINTED BY HARRISON AND SONS.

WEST INDIA ISLANDS, &c., RELIEF.

ANTIGUA, MONTSERRAT, AND NEVIS.

ACCOUNT (pursuant to Act of 6 & 7 Vict. c. 63), intituled, "An Act for Granting Relief to the Islands of *Antigua, St. Kitts, Nevis, Dominica, and Montserrat*," of all SUMS ADVANCED to those Islands, and of SUMS REPAID by reason of such Advances, with the INTEREST Paid thereon, during the Year ending 5 January 1866.

	Antigua.	Montserrat.	Nevis.
	£. s. d.	£. s. d.	£. s. d.
Original Advances - - - - -	100,000 - -	23,000 - -	12,000 - -
Repaid to 5 January 1865 - - - - -	80,000 - -	11,195 10 -	8,994 9 1
Amount outstanding on 5 January 1865 - -	20,000 - -	11,804 10 -	3,005 10 11
Principal repaid during the year to 5 January 1866 - - - - -	5,000 - -	1,047 - 9	1,205 10 11
Balance outstanding on 5 January 1866 - - - - - } £.	15,000 - -	10,757 9 3	1,800 - -
Interest paid during the year to 5 January 1866 - - - - - } £.	650 - -	336 7 6	136 10 -

Treasury Chambers, }
16 February 1866. }

HUGH C. E. CHILDERS.

TOBAGO, BRITISH GUIANA, AND TRINIDAD.

ACCOUNT (pursuant to Act 11 and 12 Vict. c. 22), intituled, "An Act for Granting Relief to the Island of *Tobago*, and for aiding the Colonies of *British Guiana* and *Trinidad* in raising Money for the promotion of Immigration of Free Labourers," of all SUMS ADVANCED to the said Islands or Colony; and of all SUMS REPAID by reason of such Advances, with the INTEREST Paid thereon, during the Year ending 5 January 1866.

	Tobago.	British Guiana.	Trinidad.
	£. s. d.	£. s. d.	£. s. d.
Original Advances - - - - -	20,000 - -	70,000 - -	64,073 - 8
Repaid to 5 January 1865 - - - - -	15,237 8 3	45,000 - -	48,000 - -
Amount outstanding on 5 January 1865 - -	4,762 11 9	25,000 - -	16,073 - 8
Principal repaid during the year ending 5 January 1866 - - - - -	733 15 9	7,000 - -	3,000 - -
Balance outstanding on 5 January 1866 - - - - - } £.	4,028 16 -	18,000 - -	13,073 - 8
Interest paid during the year to 5 January 1866 - - - - - } £.	97 10 -	1,000 - -	522 18 4

Treasury Chambers, }
16 February 1866. }

HUGH C. E. CHILDERS.

WEST INDIA ISLANDS, &c., RELIEF.

ACCOUNT (pursuant to Act 6 & 7 Vict. c. 63) of all
SUMS ADVANCED to the Islands of *Antigua, Montserrat,*
and *Nevis*, and of all SUMS REPAYED by reason of such
Advances, with the INTEREST PAID thereon during
the Year ending 5 January 1866; and similar
ACCOUNT (pursuant to Act 11 & 12 Vict. c. 22) for
Tobago, British Guiana, and Trinidad.

(Presented pursuant to Acts of Parliament.)

Ordered, by The House of Commons, to be Printed,
17 February 1866.
